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CALIFORNIA RAILROAD COMMISSION DECISIONS.

UNIV OF CALIFORNIA

DECISION No. 16430.

IN THE MATTER OF THE APPLICATION OF ROSEVILLE WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE CREATION OF BONDED INDEBTEDNESS IN THE SUM OF TWO HUNDRED THOUSAND DOLLARS AND THE ISSUANCE AND SALE OF BONDS IN THE SUM OF ONE HUNDRED EIGHTY THOUSAND DOLLARS.

Application No. 11381.

Decided April 9, 1926.

SECURITIES—BONDS—TO ISSUE.—Roseville Water Company authorized to issue $180,000 of 6½ per cent bonds and to use the proceeds for corporate purposes and refunding outstanding bonds.

Morrison, Hohfeld, Foerster, Shuman and Clark, by *R. C. Foerster*, for Applicant.

BY THE COMMISSION.

FIRST SUPPLEMENTAL OPINION.

In this application, as originally brought before the Commission, Roseville Water Company applied for permission to create a bonded indebtedness in the sum of $200,000, to issue and sell $171,000 of bonds and to issue $15,000 of promissory notes.

A public hearing was held on the application and a preliminary opinion and order made, Decision No. 15193, dated July 18, 1925, authorizing the issue of $15,000 of 8 per cent notes payable on or before three years after date for the purpose of financing the cost of additional pipe lines. These notes, it appears, were not issued.

On March 16, 1926, applicant filed a supplemental petition requesting a further order authorizing the issue and sale of $180,000 of bonds, instead of $171,000, for the purpose of refunding outstanding bonds and of financing the cost of improvements, additions and betterments. Public hearings were held on the supplemental petition before Examiner Fankhauser on March 29, and April 1, 1926. At the latter hearing the matter was submitted and it is now ready for decision.

Roseville Water Company was organized during March, 1912, and since then has been engaged in supplying water for domestic and irrigation purposes in and about the city of Roseville, Placer County. It reports 1937 consumers on December 31, 1925, and 1746 on December

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31, 1924. For the years ending December 31st the company reports its revenues and expenses as follows:

Item	*1925*	*1924*	*1923*
Operating revenues	$40,078 47	$37,795 50	$32,310 73
Operating expenses, excluding depreciation	28,067 32	25,059 83	23,919 61
Balance	$12,011 15	$12,735 67	$8,391 12
Depreciation	4,079 44	3,779 52	3,401 77
Net operating revenue	$7,931 71	$8,956 15	$4,989 35
Nonoperating revenue	2,529 80	2,351 90	2,444 44
Gross corporate income	$10,461 51	$11,308 05	$7,433 79
Deduct:			
Interest on funded debt	$6,000 00	$6,000 00	$6,000 00
Other deductions		145 53	240 58
Total deductions	$6,000 00	$6,145 53	$6,240 58
Balance for year	$4,461 51	$5,162 52	$1,193 21

The company, as of December 31, 1925, reports outstanding $100,300 of common stock, $61,000 of bonds, $1,676.49 of short term notes and $10,148.91 of accounts payable. The bonds are part of an authorized bonded debt of $100,000, all of which originally was issued and outstanding. It appears, however, that $39,000 of the bonds have been reacquired by the company and are held alive in its sinking fund, leaving $61,000 outstanding in the hands of the public. These bonds are designated first mortgage bonds, are dated March 15, 1912, bear interest at the rate of 6 per cent per annum, mature March 15, 1937, and are callable at a premium of 5 per cent of face value.

Applicant now proposes to create a new mortgage on its properties and to issue $180,000 of bonds secured thereby. The proposed bonds will bear interest at the rate of 6½ per cent, will mature March 15, 1951, and will be subject to redemption at 103 per cent of face value. The company asks permission to sell its bonds at not less than 91 and proposes to use the bonds or the proceeds for the following purposes:

To refund or retire bonds now outstanding	$61,000 00
To pay accounts now owing for pipe purchased and installed	10,000 00
To pay for enlargements and replacements	37,537 00
To pay for installation and enlargement of main pipe line leading from reservoir of applicant to city of Roseville	30,000 00
To pay for three wells, pumps, motors, land on which situated, rights of way and all matters appertaining thereto	25,000 00
Total	$163,537 00

Roseville Water Company obtains its supply of water from Pacific Gas and Electric Company delivered through that company's ditch system, about 76 miles long, extending from Lake Spaulding and Lake Bowen into applicant's system in Roseville. Applicant has two reservoirs; one capable of storing 2,000,000 gallons and the other 17,000,000, a total of 19,000,000 gallons, and it reports the average

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daily consumption during the summer months at about 3,200,000 gallons, indicating available storage for about six days' supply. To provide an auxiliary supply, in the event of interruption of delivery of water by Pacific Gas and Electric Company, applicant has been renting three wells and pumping plants from W. G. Hemphill and his associates, for $3,250 annually. According to the testimony of W. G. Hemphill, who is also applicant's general manager, and of Albert Givan and F. M. Faude, consulting engineers called by applicant as witnesses, the use by applicant of these wells is not only desirable but necessary.

Applicant now proposes to purchase the wells, instead of continuing to rent them and asks permission to use $25,000 obtained from the sale of bonds to pay for the wells. The record shows that one of the wells has been in service for about eight years, is drilled to a depth of 520 feet and has a capacity of 1250 gallons per minute; the second has been in service for about three years, is drilled to a depth of 390 feet and has a capacity of about 400 gallons per minute; and the third has been in service about one year, is drilled to a depth of 385 feet and has a capacity of 600 gallons per minute. The supply of water from the wells is adequate, it is said, to take care of applicant's domestic demand if necessary.

Estimates of the original costs of the three wells are in evidence in this proceeding. An estimate of the cost of the first well, which was constructed in 1917, was filed in Case No. 1127 and by consent of counsel might be considered in this matter. This estimate indicates that the original cost was about $9,157.55. Estimates of the costs of the second and third wells, constructed in 1923 and 1925, were filed in the present proceeding as Exhibits Nos. "5" and "6" and show a total of $6,063.60 for the second well and of $6,774.80 for the third. It appears, however, that there is included in these two totals the sum of $1,010.70, for the second well, and the sum of $1,129.80 for the third, representing allowances for testing, guaranteeing, etc., equal in amount to 20 per cent of the costs. We believe these two sums should be eliminated, reducing the total for the three wells to $19,860.45. The order herein will authorize the use of $20,000 of bond proceeds to purchase these properties. The granting of such permission, however, is not to be considered as binding the Commission or other court or public body having jurisdiction as a measure of value of such properties for the purpose of fixing rates or for any purpose other than this transfer.

Applicant asks permission to use $67,537 of the proceeds to pay for additions, enlargements and replacements. Of this amount it is thought that about $30,000 will be used to construct a twenty-two-inch riveted steel pipe line leading from applicant's lower reservoir to a

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point in the city of Roseville, a distance of approximately 10,000 feet. The remaining $37,537 will be used to purchase and install 6050 feet of six-inch cast iron pipe and 21,800 feet of four-inch cast iron pipe for the distributing system described in applicant's Exhibit No. "7."

The testimony in this proceeding clearly indicates that applicant's distributing system is inadequate. The record shows that applicant temporarily has installed a considerable quantity of two-inch pipe to take care of demands for service. It appears that a great portion of this pipe is laid close to the surface and that there are, in some cases, as many as twelve connections on one two-inch pipe. The installation of the four- and six-inch pipe is designed to better service conditions and enable applicant to deliver an adequate volume of water.

While applicant's annual interest charges will be increased if it refunds its 6 per cent outstanding bonds, through the issue of 6½ per cent bonds, such increase may be justified by the improved service made possible by the issue of the 6½ per cent bonds. The order herein will permit applicant to use $61,000 of its 6½ per cent bonds or the proceeds thereof to refund or redeem its outstanding 6 per cent bonds. If applicant concludes to redeem its 6 per cent bonds, its stockholders should advance the difference between the cost of redeeming the 6 per cent bonds and the amount realized from the sale of $61,000 of 6½ per cent bonds.

Applicant has not yet filed a copy of the proposed mortgage or deed of trust securing the payment of the bonds. The order herein, therefore, while authorizing the issue of the bonds, will not become effective until applicant has filed with the Commission a copy of the proposed instrument and has received from the Commission a supplemental order authorizing its execution.

FIRST SUPPLEMENTAL ORDER.

Roseville Water Company having applied to the Railroad Commission for permission to issue and sell bonds, further hearings having been held and the Commission being of the opinion that the money, property or labor to be procured or paid for by such issue and sale is reasonably required by applicant for the purposes specified herein and that the expenditures herein authorized for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Roseville Water Company be and it is hereby authorized to issue on or before December 15, 1926, $61,000 of 6½ per cent bonds due 1951, for the purpose of refunding its outstanding $61,000 of 6 per cent bonds, or sell on or before December 15, 1926, said $61,000 of 6½ per cent bonds at not less than 91 per cent of their face value and accrued interest and use the proceeds other than accrued

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interest to redeem said $61,000 of 6 per cent bonds. The accrued interest may be used for general corporate purposes.

It is hereby further ordered, that Roseville Water Company be and it is hereby authorized to issue and sell on or before December 15, 1926, at not less than 91 per cent of their face value and accrued interest, $119,000 of 6½ per cent bonds due 1951, and use approximately $97,537 of the proceeds for the following purposes:

(1) To pay outstanding accounts now owing for pipe purchased and installed	$10,000 00
(2) To pay for the three wells, pump, motors, land on which situated, rights of way and appurtenances referred to in this application	20,000 00
(3) To pay for pipe line and its installation from reservoir to city of Roseville, approximately	30,000 00
(4) To pay for additions, enlargements and replacements as set forth in Exhibit No. "7," approximately	37,537 00

The remaining proceeds, $10,663, and such part of the $97,537 not expended for the aforesaid purposes, may be expended only for such purposes as the Commission may hereafter authorize. The accrued interest on the $119,000 of bonds may be used for general corporate purposes.

It is hereby further ordered, that the authority herein granted will not become effective until applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $180, nor until applicant has filed with the Commission, in satisfactory form, a copy of the mortgage or deed of trust securing the payment of the bonds and the Commission by supplemental order has authorized its execution.

It is hereby further ordered, that applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this ninth day of April, 1926.

DECISION No. 16432.

CALIFORNIA PACKING CORPORATION

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 2146.

STEWART FRUIT COMPANY

vs.

SOUTHERN PACIFIC COMPANY, NORTHWESTERN PACIFIC RAILROAD COMPANY AND SIERRA RAILWAY COMPANY.

Case No. 2133.

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H. G. PRINCE AND COMPANY AND HUNT BROTHERS PACKING COMPANY

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 2028.

Decided April 9, 1926.

RATES—STEAM RAILROAD—REPARATIONS—REASONABLENESS.—Affirming its original order, on rehearing, the Commission holds that it has jurisdiction to award reparation on account of unreasonable rates collected, although such rates were on file with the Commission. In authorizing the rate of 11 cents per 100 pounds on canned goods, San Jose to Milpitas, in Decision No. 7983, dated August 17, 1920, the Commission allowed the increase in rates ordered by the Interstate Commerce Commission, without a finding on the question of reasonableness. No formal finding as to reasonableness of any of the rates in issue was ever made by the Commission.

COMMISSION'S JURISDICTION.—Section 71 of the Public Utilities Act, effective July 23, 1925, did not operate to deprive the Commission of jurisdiction to award reparation on any such cause of action which accrued prior to the effective date of the amendment.

E. W. Hollingsworth, for Complainants in Case No. 2028.
McCutchen, Olney, Mannon and Greene, by *Allen P. Matthew*, for Complainants in Cases Nos. 2133 and 2146.
B. H. Carmichael, H. W. Glensor and *F. W. Turcotte*, for Carmichael Traffic Company, Gilmore Oil Company, A. F. Gilmore Company, Hercules Gasoline Company, O'Donnell-Gillette Refining Company, Vernon Oil Refining Company, Wilshire Oil Company, East-West Refining Company, California Refining Company, Independent Petroleum Marketers' Association, Interveners.
James S. Moore, for Western Pacific Railroad Company.
Platt Kent and *Bern Lery* for The Atchison, Topeka and Santa Fe Railway Company.
Stanley Moore and N. P. Palmer, by *H. B. Brown*, for Northwestern Pacific Railroad Company.
E. E. Bennett, for Los Angeles and Salt Lake Railroad Company.
J. E. Lyons, A. W. Whittle and *F. W. Mielke*, for Southern Pacific Company, Defendant.
W. O. Banks, for Standard Oil Company.

BY THE COMMISSION.

OPINION ON REHEARING.

This Commission, by its Decision No. 15472, rendered on September 26, 1925, in the above entitled Case No. 2146, found that a rate of 8 cents per 100 pounds assessed by the Southern Pacific Company for the transportation of 31 carloads of canned goods moving from San Jose to Milpitas during the period from July 9 to July 25, 1924, inclusive, was unreasonable to the extent that it exceeded a rate of 3 cents per 100 pounds, and by order directed the said defendant company to refund as reparation to the complainant, California Packing Corporation, all charges it collected in excess of 3 cents per 100 pounds minimum carload, weight 80,000 pounds, on account of said unreasonable rate collected.

The Southern Pacific Company filed with the Commission a petition for rehearing in said proceeding, in which it was urged that the

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Commission was without jurisdiction to award reparation as provided in said order by virtue of the provisions of section 71 of the Public Utilities Act as amended in 1925. In this connection it was further urged that this Commission, by a formal finding made in Decision No. 7983, dated August 17, 1920, Application No. 5728, did declare a rate of 11 cents on the same commodity between the same points, to be reasonable. It was the prayer of said petitioner that the said order of September 26, 1925, be vacated in so far as it directed defendant to pay reparation to complainant.

By its Decision No. 15643, rendered on November 14, 1925, in the above entitled Case No. 2133, the Commission found that a rate of 38½ cents per 100 pounds assessed by defendants, Southern Pacific Company, Northwestern Pacific Railroad Company and Sierra Railway Company, for the transportation of ten carloads of box shook moving from Standard to Hopland and Ukiah during the period from July 18, 1923, to September 20, 1923, both dates inclusive, was unreasonable to the extent that it exceeded a rate of 37 cents per 100 pounds, and by order directed the said defendants, according as they participated in the transportation, to refund to complainant, Stewart Fruit Company, $70.15 as reparation on account of said unreasonable rate collected.

Within the statutory period, the defendant, Southern Pacific Company, filed with the Commission a petition for rehearing in said proceeding, in which it was argued that the Commission was without jurisdiction to award reparation as provided in said order, by virtue of the provisions of section 71 of the Public Utilities Act as amended in 1925. In this connection it was further contended that this Commission, by a formal finding made in its Decision No. 7983, dated August 17, 1920, Application No. 5728, prescribed a rate of 41 cents as reasonable between the same points and on the same commodity. It was the prayer of said petition that the said order of the Commission of November 14, 1925, be vacated in so far as it directed defendants to pay reparation to complainant.

By its Decision No. 15923, rendered on February 3, 1926, in the above entitled Case No. 2028, the Commission found that a rate of 7 cents per 100 pounds assessed by the defendant, Southern Pacific Company, for the transportation of canned goods in carloads from Hayward and San Leandro to Oakland moving during the period from July 30, 1922, to July 30, 1924, was unreasonable to the extent that it exceeded a rate of 5 cents per 100 pounds, and by order directed the defendant, Southern Pacific Company, to establish on or before February, 25, 1926, and thereafter to maintain and apply to the transportation of canned goods in carloads from Hayward to Oakland a rate of 5 cents per 100 pounds, and to refund, with interest, to complainant,

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H. G. Prince & Company, all charges it may have collected in excess of 5 cents per 100 pounds for the transportation of the canned goods involved in this proceeding.

Within the statutory period, the Southern Pacific Company filed with the Commission a petition for rehearing in said proceeding, in which it was contended that the Commission erred in finding a rate of 7 cents per 100 pounds for the transportation of canned goods in carloads from Hayward and San Leandro to Oakland to be unreasonable; that the Commission was without jurisdiction to award reparation in said proceeding by virtue of the provisions of section 71 of the Public Utilities Act as amended in 1925; that this Commission, by formal finding (Decision No. 7983), dated August 17, 1920, Application No. 5728, did declare a rate of 7½ cents per 100 pounds on the same commodity between the same points, to be reasonable. It was the prayer of said petition that the said order of February 3, 1926, be vacated and the complaint dismissed.

The respective petitions for rehearing filed in each of the three above numbered cases were granted for the purpose of considering the allegations contained in said petitions to the effect that the Commission was without jurisdiction to award reparation in said cases by virtue of the provisions of section 71 of the Public Utilities Act as amended. The cases were consolidated for further hearing, and heard on March 15 and 16, 1926, at the conclusion of which the cases were submitted for final decision.

At the rehearing counsel for the defendant carriers, in support of their contention that the Commission had exceeded its jurisdiction in awarding reparation in the three above entitled cases, argued the following propositions:

1. That the Railroad Commission, prior to the effective date of the 1925 amendment to section 71 of the Public Utilities Act, was without jurisdiction to award reparation for the collection of an unreasonable rate—where the rate collected was the rate stated in the published tariff.

2. That even if the Railroad Commission did possess such jurisdiction under section 71 of the Public Utilities Act as it existed prior to the 1925 amendment, the second provision of the amendment operated as a repeal of restriction so as to preclude its exercise in any case, which had not been reduced to final order at the time the amendment became effective, July 23, 1925, wherein the rate charged had been declared by the Commission by "formal finding" to be reasonable.

3. That the findings of the Commission in its Decision No. 7983, dated August 17, 1920, Application No. 5782, reported in 18 R. C. D. 646, are "formal findings" within the meaning of the amended section 71 of the Public Utilities Act; that the rates charged by the carriers,

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and involved in the three reparation cases under consideration, were found to be reasonable by said alleged "formal findings" in that decision.

Section 71 of the Public Utilities Act of 1911, as reenacted in the act of 1915, and as it existed until the amendment of 1925, provided as follows:

Sec. 71. (*a*) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service, the commission may order that public utility make due reparation to the complainant therefor, with interest from the date of collection; *provided*, no discrimination will result from such reparation.

(*b*) If the public utility does not comply with the order for the payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petititon for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey an order or decision of the commission.

Section 71 of the Public Utilities Act, as amended in 1925 is as follows:

Sec. 71. (*a*) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an *unreasonable*, excessive or discriminatory amount for such product, commodity or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; *provided*, no discrimination will result from such reparation; *and provided further, that no order for the payment of reparation upon the ground of unreasonableness shall be made by the commission in any instance wherein the rate, fare, toll, rental, or charge in question has, by formal finding, been declared by the commission to be reasonable; and provided further, that no assignment of a reparation claim shall be recognized by the commission except assignments by operation of law as in cases of death, insanity, bankruptcy, receivership or order of court.*

(*b*) If the public utility does not comply with the order for payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning *unreasonable*, excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey an order or decision of the commission (amended Statutes 1925, chapter 357, page 647).

(New portions of section are in italics.)

After having carefully considered the points argued on rehearing by counsel for the defendant carriers, we are of the opinion that no errors were committed in the decisions heretofore rendered in the three above entitled cases. More specifically, we are of the opinion that under section 71 of the Public Utilities Act as it existed prior to the amendment of 1925, the Commission was possessed of jurisdiction

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to award reparation for the collection of an unreasonable rate, although the rate found to be unreasonable was the rate stated in the published tariff; that section 71 of the act, as amended in 1925, which became effective July 23, 1925, did not operate to deprive the Commission of jurisdiction to award reparation on any such cause of action which accrued prior to the effective date of the amendment; that no "formal finding" of reasonableness, within the meaning of section 71 of the Public Utilities Act, as amended, was made as to the particular rates charged and involved in the three above entitled cases, in Commission Decision No. 7983, August 17, 1920, Application No. 5782, 18 C. R. C. 646, or in any other decision.

It is the desire of the Commission to rule with finality on the contention made to the effect that Decision 7983, referred to above, embodied either in substance or effect, a "formal finding" on the question of the reasonableness of the rates therein ordered. The fact that the Commission made no effort to pass on the reasonableness of the rates therein prescribed would seem to be apparent from an examination of the decision, and, in the decision on petition for rehearing in that case (Decision 8100, September 13, 1920, 18 C. R. C. 803), we emphasized this point and reiterated that no finding of reasonableness as to the rates had been made or undertaken. The said petition for rehearing was filed by the East Bay cities and one of the errors alleged therein was the fact that the rate increase ordered in Decision No. 7983 had been allowed without a finding by the Commission on the question of reasonableness. In its decision denying the application for rehearing, the Commission stated in part, at page 810:

> To pursue the suggestion of the petitioners herein would be to inquire fully not only into all questions of differentials and relationship of rates occasioned by so-called General Order 28 of the Federal Railroad Administrator, but indeed an inquiry into the reasonableness of all rates, both freight and passenger, prior to the 25 per cent increase of the Interstate Commerce Commission, a situation which, for reasons hereinbefore stated, was and is practically impossible.

Subsequent to the submission of these cases on rehearing, the Commission received a letter from the Southern Pacific Company by its attorney, J. E. Lyons, under date of March 29, 1926, in which it was stated that said carrier desired to withdraw, and did withdraw, all claim theretofore made by it, that the decision of the Commission No. 7983 (18 C. R. C. 646) constituted a "formal finding" of reasonableness of the rates involved in the three above-numbered cases within the meaning of section 71 of the Public Utilities Act as amended. It was further stated that he was authorized to say that Messrs. James S. Moore, Jr., on behalf of the Western Pacific Railroad Company, and R. W. Palmer, on behalf of the Northwestern Pacific Railroad Company, concurred in the withdrawal of said claims, as to the effect of Commission's Decision No. 7983.

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We are, therefore, of the opinion that no errors were committed in our decisions in the three above entitled cases.

ORDER.

Rehearings having been had in the above entitled matters, the cases having been submitted, and no good cause having been made to appear why our former orders therein should not be affirmed;

It is hereby ordered, that our said decisions numbered 15472, 15643 and 15923, decided on September 26, 1925, November 14, 1925, and February 3, 1926, respectively, be and the same are hereby affirmed.

Dated at San Francisco, California, this ninth day of April, 1926.

DECISION No. 16450.

IN THE MATTER OF THE APPLICATION OF THE MONTEREY COUNTY WATER WORKS TO ISSUE BONDS.

Application No. 12385.

Decided April 9, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Bacigalupi and Elkus, by *Chas. De Y. Elkus,* for Applicant.

BY THE COMMISSION.

OPINION.

In this application The Monterey County Water Works asks permission to execute a mortgage or deed of trust and to issue $700,000 of first mortgage 6 per cent thirty-year bonds, secured thereby, for the purpose of purchasing from Del Monte Properties Company a 65 per cent interest in certain structures, lands and reservoir sites, of reimbursing its treasury on account of surplus earnings invested in properties and of providing the cost of financing future additions and betterments.

The Monterey County Water Works is engaged in operating a water distributing system supplying consumers in and about Monterey, Pacific Grove and Carmel. The system was first installed by Pacific Improvement Company primarily for use in connection with the operation of the Del Monte Hotel and as an adjunct to a real estate development in the vicinity. In 1907, however, The Monterey County Water Works, applicant herein, was organized and received from Pacific Improvement Company a diverting dam on the Carmel River, the source of supply, and all pipe lines and appurtenances necessary for the purpose of conveying water from the river and distributing it throughout the service area, together with certain rights of way across the ranches and grounds of the Hotel Del Monte. In this deed of conveyance the improvement company reserved for itself sufficient water for domestic

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and stock uses of the hotel and the grounds and drives in connection therewith and for certain irrigation uses upon its ranches.

Thereafter it was decided to divide the water system and in 1916 an agreement was entered into between the water company and the improvement company, by the terms of which the water company deeded to the improvement company the diverting dam and damsite and surrounding lands, together with certain pipe lines, it being agreed that the improvement company could take up to 35 per cent of the total flow of the river for its own uses and the water company up to 65 per cent for public purposes, the total flow of the river, according to the record, being owned and controlled by the two companies.

The effect of the agreement was to provide for each company a substantially independent system except that the water company was dependent upon the other to divert the water and carry it a short distance to its mains, which service the improvement company undertook to do. In this connection it might be stated that the water company was organized and controlled through stock ownership by the improvement company.

The agreement was approved by the Commission by Decision No. 3059, dated January 25, 1916, in Application No. 1657 (Volume 9, Opinions and Orders of the Railroad Commission of California, page 91). Thereafter, in 1919, Del Monte Properties Company succeeded Pacific Improvement Company as one of the parties under the agreement and as the owner of all of applicant's outstanding stock.

In 1920, in order to meet the increasing demands for water and to prevent shortage, Del Monte Properties Company commenced the construction of a storage dam, known as the San Clemente Dam, located about 2000 feet above the diversion dam, just below the junction of the San Clemente and Carmel rivers.. The record herein shows that applicant has been receiving water from this storage free of charge since 1922 and that although it is entitled, by the agreement of 1916, to 65 per cent of the flow of the river, it has not paid any portion of the cost of constructing the dam.

The structure is of the constant angle type of concrete arch construction, with a crest length of about 300 feet, and has an impounding capacity of approximately 2000 acre-feet, if filled to the crest, about 85 feet above the stream bed. The spill gates are at an elevation of 75 feet above stream bed and at this point the reservoir impounds 1425 acre-feet. It is reported that it was necessary for the operation of this dam to purchase 1,083.39 acres of land.

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Applicant now proposes to purchase a 65 per cent interest in the San Clemente Dam for $297,669, this amount, it is said, being 65 per cent of the cost to Del Monte Properties Company of the dam and reservoir lands. In addition it proposes to purchase, for $30,374, a 65 per cent interest in another reservoir site and in riparian lands, known as the Syndicate Camp reservoir site. This site and these lands include about 1,722.016 acres, the estimated present value of which, according to applicant's engineers, is $27.13 an acre, making a total value of about $46,721. The $30,374 is approximately 65 per cent of the total estimated value of these additional lands and reservoir sites. The purchase of a 65 per cent interest in these properties at a cost of $328,043 will, it is thought, insure an adequate supply of water to applicant to take care of present and future consumers.

In order to obtain the moneys necessary to acquire a 65 per cent interest in the properties and to finance the cost of other additions and betterments, applicant proposes to execute a mortgage and issue and sell $700,000 of first mortgage 6 per cent thirty-year bonds. The Del Monte Properties Company has agreed to accept in exchange for its interest in the properties referred to herein such amount (about $348,000) of bonds which at 94 and accrued interest will equal the sum of $328,043. All coupons that have matured before the actual date of delivery of said bonds shall be removed and cancelled, and any fractional amount less than $1,000 shall be adjusted between the parties by a cash settlement. The Del Monte Properties Company further agrees to purchase at 94 and accrued interest $85,000 of $700,000 of bonds as soon as the issue and sale of said bonds is authorized by the Commission, and further agrees to purchase at 94 and accrued interest the remainder of said $700,000 of bonds (about $267,000) within two years from the date of the Commission's order authorizing the issue and sale of said bonds. Applicant asks permission to use $80,000 of the proceeds to reimburse its treasury on account of surplus earnings invested in properties and to use the balance, amounting to about $250,000, to pay for additions and betterments to its water system.

In support of the request to use $80,000 of bond proceeds to reimburse its treasury, applicant reports that during the last two years it has had surplus earnings of about $160,000 which have been invested in additions to the system, the cost of which has not heretofore been permanently financed. After reimbursement the company proposes to use $65,000 to pay outstanding indebtedness and $15,000 for working capital.

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The additions and betterments applicant proposes to install during the next two years aggregate $340,000, and are described in Exhibit D-2, filed with the application as follows:

24-inch cast iron pipe from Clay Pits reservoir to Pacific Grove valve house, approximately 11,000 feet long, also large mains in other parts of system	$129,000 00
New mains and other facilities in Oak Grove	20,000 00
New mains and other facilities in Monterey, New Monterey and Pacific Grove	106,000 00
New mains and other facilities in Pebble Beach area	20,000 00
New mains and other facilities in Carmel	20,000 00
Pumping plant at Pacific Grove valve house	8,000 00
New meters and services	19,000 00
Discharge line for high pressure system	18,000 00
Total estimated cost	$340,000 00

The company is asking permission to use about $250,000 of bond proceeds to finance in part these costs which are said to be necessary for the company to operate satisfactorily its water system and to render adequate service. Some of the construction work, as indicated above, will extend over a period of two years. The record shows that Del Monte Properties Company will purchase applicant's bonds when and as applicant requires money for construction purposes and that the purchaser has no right to demand the delivery of the bonds unless applicant has need for funds to pay for additions and betterments. Applicant at present has no bonds or notes outstanding.

Its assets and liabilities as of September 30, 1925, are reported as follows:

Assets.

Fixed capital	$1,016,944 86
Cash	10,062 79
Special deposits	325 00
Accounts receivable	92,851 93
Materials and supplies	52,984 02
Sinking funds	235,452 06
Prepayments	1,343 57
Unamortized discount	378,044 36
Suspense	4,166 10
Construction work in progress	50,973 39
Total assets	$1,843,148 08

Liabilities

Capital stock	$1,000,000 00
Accounts payable	38,272 91
Consumers' deposits	1,228 81
Accruals	16,846 23
Service billed in advance	605 67
Consumers' advances for construction	12,750 00
Reserves	283,128 29
Surplus	490,316 17
Total liabilities	$1,843,148 08

The mortgage or deed of trust applicant now proposes to execute will secure the payment of an authorized issue of $2,500,000 of bonds, issu-

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able in series, the bonds herein applied for to be designated Series "A." A copy of the proposed mortgage or deed of trust was filed with the Commission in this proceeding on January 19, 1926, and as modified on April 7, 1926, is in satisfactory form.

ORDER.

The Monterey County Water Works having applied to the Railroad Commission for permission to execute a mortgage or deed of trust and to issue bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted as herein provided and that the money, property or labor to be procured or paid for through the issue of the bonds is reasonably required by applicant for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that the Monterey County Water Works be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as that filed in this proceeding and referred to in the opinion which precedes this order and to issue $700,000 of its first mortgage 6 per cent thirty-year bonds and sell and deliver said bonds pursuant to the terms of the agreement dated April 2, 1926, between said The Monterey County Water Works and Del Monte Properties Company and filed in this proceeding on April 7, 1926.

It is hereby further ordered, that $80,000 of the proceeds obtained from the sale of said bonds shall be used to reimburse applicant's treasury because of surplus earnings expended for additions and betterments of which $65,000 shall after said reimbursement be used to pay indebtedness and $15,000 for working capital.

It is hereby further ordered, that approximately $250,000 of the proceeds obtained from the sale of said bonds shall be used to pay in part the cost of acquiring or constructing the additions and betterments referred to in the opinion which precedes this order.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage or deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of such mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject.

2. Within thirty days after execution of the mortgage or deed of

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trust herein authorized to be executed applicant shall file with the Commission two certified copies thereof.

3. The price at which applicant acquires the 65 per cent interest in the properties it proposes to purchase from Del Monte Properties Company shall not hereafter be urged before this Commission or any court or public body having jurisdiction as a measure of value for the purpose of fixing rates or for any other purpose.

4. Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $700.

Dated at San Francisco, California, this ninth day of April, 1926.

DECISION No. 16451.

IN THE MATTER OF THE APPLICATION OF THE SAN RAFAEL FREIGHT AND TRANSFER COMPANY, INCORPORATED, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF PROPERTY BETWEEN POINTS UPON THE INLAND WATERS OF THE STATE OF CALIFORNIA, AS SET FORTH IN THE APPLICATION.

Application No. 12535.

Decided April 9, 1926.

CERTIFICATE—CARRIER BY WATER—INLAND WATERS.—Certificate granted.

Gwyn H. Baker, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by the San Rafael Freight and Transfer Company, Inc., under the provisions of paragraph (*d*), section 50 of the Public Utilities Act for a certificate of public convenience and necessity to operate vessels for the transportation of property between San Francisco, Sausalito, Belvedere, Tiburon, California City and San Rafael, and also between Belvedere, Tiburon, California City and Sausalito, as set forth in the application and as amended.

The service between San Francisco, Sausalito, Belvedere, California City and San Rafael will be rendered for the purpose of transporting general freight, and between Belvedere and Tiburon and Sausalito principally for the transportation of fish, although some other freight will be handled.

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A public hearing was held before Examiner Geary at San Francisco April 5, 1926, and the case having been duly heard and submitted is now ready for our opinion and order.

Applicant is operating vessels at the present time for the transportation of property between San Francisco, Sausalito and San Rafael in conjunction with a motor truck service between the latter point and Santa Rosa and the points intermediate thereto. This service has been in operation by applicant since August 30, 1923, but in so far as it involves the operation of the vessels has been conducted without specific authority of this Commission, due to a misunderstanding of the requirements of paragraph (*d*), section 50, of the Public Utilities Act. Prior to August 30, 1923, these operations were being lawfully conducted by a copartnership consisting of R. H. Clark and A. H. Marx, under the fictitious name of the San Rafael Freight and Transfer Company. In the early part of 1923 a corporation was formed to take over the operations of the copartnership and authority was secured from this Commission in Application No. 9135, Decision No. 12519, dated August 22, 1923, to transfer to the corporation these rights in so far as they involved the operation of auto trucks from and to points beyond San Rafael, but through an oversight no authority was requested by the corporation for a certificate of public convenience and necessity to operate vessels between San Francisco and Sausalito-San Rafael.

Applicant now seeks a certificate to continue the water carrier operations of the San Rafael Freight and Transfer Company, Inc., between San Francisco and Sausalito-San Rafael and in the operation of this service to also land at Belvedere, Tiburon and California City. The latter three points have never been served, although they are located between, and directly intermediate to, Sausalito and San Rafael.

Witness for applicant testified that the Union Fish Company of Belvedere forwarded fish from that point to Tiburon and Sausalito for subsequent shipment to points in the eastern states and also a considerable tonnage of general freight for the maintenance and operation of the plant. At the present time the fish company is using its own equipment, but the record indicates that this arrangement has proven unsatisfactory and applicant has been requested to perform this service.

A lumber company will soon establish storage and fabricating yards at California City, will employ a large number of men and move a substantial tonnage. That point is not served by any rail or boat line and request has been made to applicant to provide a common carrier service thereto.

Upon consideration of all the facts of record, we are of the opinion and find that public convenience and necessity require the operation by applicant of vessels for the transportation of property between

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San Francisco, Sausalito, Belvedere, Tiburon, California City and San Rafael.

ORDER.

A public hearing having been held in the above entitled proceeding, the application having been submitted and now being ready for decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by applicant, San Rafael Freight and Transfer Company, Inc., of vessels for the transportation of property, for compensation, on the inland waters of the State of California between San Francisco, Sausalito, Belvedere, Tiburon, California City and San Rafael under the rates, rules and regulations shown in Exhibit "B" of the application and as amended;

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

Applicant shall file a tariff according to the rules of this Commission setting forth the rates, rules and regulations governing the transportation to be furnished, which shall be those as set forth in Exhibit "B" of the application and as amended.

Dated at San Francisco, California, this ninth day of April, 1926.

DECISION No. 16453.

IN THE MATTER OF THE APPLICATION OF FARMERS IRRIGATION COMPANY FOR AN ORDER AND CERTIFICATE AUTHORIZING IT TO EXERCISE FRANCHISES.

Application No. 12565.

Decided April 9, 1926.

CERTIFICATE—WATER UTILITY—RATES—Certificate granted. Existing rates continued.

Farrard and Slosson, by *Leonard B. Slosson*, for Applicant.

BY THE COMMISSION.

OPINION.

Farmers Irrigation Company, a corporation, applicant in the above entitled proceeding, is engaged in the public utility business of supplying water for irrigation purposes in and about the city of Santa Paula, in Ventura County. This company asks the Commission for a certificate of public convenience and necessity to extend its irrigation service in certain territory heretofore under franchise to the Limoneira Company, whose rights applicant proposes to acquire by purchase under the terms of an agreement already entered into by and between the above mentioned parties.

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A public hearing in this matter was held in Los Angeles before Examiner Williams after all interested parties had been duly notified and given an opportunity to be present and be heard.

From the evidence it appears that at the time of the filing of the application herein there was pending before the Commission for decision Application No. 12469, filed by said Farmers Irrigation Company, in which authority was requested to issue stock and certain promissory notes for the purpose of paying for additional property, refunding indebtedness and financing the cost of additions and improvements to the system. The property which it was desired to acquire in this proceeding consisted of certain pipe lines and franchises owned and controlled by the Limoneira Company. The request of the irrigation company was granted by the Commission in Decision No. 16005, dated February 15, 1926, which decision however forbade the Farmers Irrigation Company to make any charges for service rendered to consumers on the lines to be acquired from the Limoneira Company until such time as a certificate of public convenience and necessity had been obtained from the Commission. The testimony presented in the instant case shows that applicant has now acquired the pipe lines and franchises as authorized in the above mentioned Decision No. 16005, and therefore is at this time in a position to request, and has so requested, that it be granted a final certificate to operate as a public utility in the territory embraced in the original application, notwithstanding the prayer in the application herein for an order preliminary to the issuance of such certificate.

The pipe lines and properties acquired from the Limoneira Company will enable the applicant to render a more dependable water service to its present consumers, as well as provide a means of extending its irrigation service to accommodate a large area in great need of water for irrigation purposes. Applicant will operate these newly acquired properties in conjunction with and as a part of its existing system, and therefore should be authorized to charge the same rates for service rendered as heretofore established for this company.

There is no other public utility water system supplying water in this territory, and as no one opposed the granting of this application it appears that the request should be approved.

ORDER.

Farmers Irrigation Company, a corporation, having made application as entitled above for a certificate of public convenience and necessity to extend its public utility service to include certain territory in which it has now acquired the county franchise rights to so operate, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon:

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The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Farmers Irrigation Company, a corporation, operate a water system to supply water for irrigation and other purposes to consumers located in the territory authorized by franchises originally granted to the Limoneira Company by ordinances numbers 221 and 223, passed and adopted by the board of supervisors of the county of Ventura on the twenty-fourth day of November, 1922, and on the seventh day of August, 1923, respectively, true and certified copies of said ordinances being attached to and made a part of the application herein.

It is hereby ordered, that the Farmers Irrigation Company, a corporation, be and it is hereby authorized to charge for all services rendered in the territory for which certificate is granted herein, the same schedule of rates now in effect on its present system. .

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this ninth day of April, 1926.

DECISION No. 16456.

IN THE MATTER OF THE APPLICATION OF BEKINS FIREPROOF STORAGE, A COPARTNERSHIP, FOR AN ORDER TO SELL, AND BEKINS VAN LINES, INCORPORATED, A CORPORATION, TO PURCHASE AN AUTOMOBILE FREIGHT LINE OPERATING IN THE STATE OF CALIFORNIA.

Application No. 11108.

Decided April 10, 1926.

TRANSFER—AUTO TRUCKS—STOCK—TO ISSUE.—Bekins Fireproof Storage (Milo W., Reed J., Floyd R. Bekins and Ruth M. Holt, copartners) authorized to transfer operative rights and property to Bekins Van Lines, Inc., and the latter authorized to issue $48,700 of capital stock in payment therefor.

Walter E. Burke, for Applicants.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing Milo W. Bekins, Reed J. Bekins, Floyd R. Bekins and Ruth M. Holt, copartners doing business under the firm name and style of Bekins Fireproof Storage, to sell to Bekins Van Lines, Inc., a corporation, their operative rights and equipment used in the transportation of freight between the points hereinafter set forth, and authorizing Bekins Van Lines, Inc., a corporation, to issue 537 shares of its capital stock of the aggregate par value of $53,700.

It appears that Milo W. Bekins, Reed J. Bekins, Floyd R. Bekins and Ruth M. Holt, hereinafter sometimes referred to as the copartners,

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have been engaged in operating automobile freight lines under the authority granted by the Commission as follows:

By Decision No. 12980 dated January 3, 1924, as amended by Decision No. 14052, dated September 12, 1924, in Application No. 9181.

These decisions permit the operation by the copartners of an automobile truck service as a common carrier of household goods, pianos, trunks and baggage, office furniture and equipment between the termini of San Francisco and Los Angeles and the termini of Oakland and Los Angeles, via both coast route and the San Joaquin Valley route state highway, including all intermediate points on said highways and also all points within territory extending a distance of thirty miles on either side of said highways.

By Decision No. 13775, dated July 3, 1924, in Application No. 9730.

This decision permits the operation by the copartners of an automobile truck service as a common carrier of household goods, furniture, pianos and other personal effects, including trunks and baggage over the following routes:

1. Between San Francisco, Oakland and Sacramento and intermediate points via Vallejo; and
2. Between San Francisco, Santa Rosa and intermediate points, via Sausalito, San Rafael and Petaluma; and
3. Between San Francisco, Oakland, Berkeley, Alameda, Piedmont and Emeryville,

the authority granted permitting the transportation between San Francisco and Sacramento and between San Francisco and Santa Rosa to points laterally on either side of the main highways traversed and beyond the terminals named to a distance not to exceed thirty miles.

By Decision No. 15085, dated June 22, 1925, in Application No. 9993.

This decision permits the operation by the copartners of an automobile truck service as a common carrier of office furniture and equipment, house furniture, household goods, pianos, musical instruments and trunks and personal effects (as a part and in connection with household goods and excluding sample cases, commercial trunks and baggage) over the routes, and all intermediate points on each route and including a distance of thirty miles on either side of the highway comprising the main route and thirty miles beyond terminal points as follows:

1. Between Los Angeles and San Fernando via Glendale;
2. Between Los Angeles and Pasadena;
3. Between Los Angeles and San Pedro and Long Beach;

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4. Between Los Angeles and Redondo, Hermosa and Manhattan Beach;
5. Between Los Angeles and Venice, Ocean Park and Santa Monica;
6. Between Los Angeles and Banning;
7. Between Los Angeles and San Diego;

providing that the commodities transported are not intended for resale.

Decision No. 15085 also permitted the copartners to join and consolidate the rights granted therein with the rights previously authorized by the certificates granted in the other two proceedings by Decision No. 12980, as amended by Decision No. 14052, and by Decision No. 13775, thus permitting through service from point to point over the regular routes as defined, and the filing of through rates covering such service.

The copartners have caused the organization of Bekins Van Lines, Inc., the other applicant herein, and hereinafter sometimes referred to as the corporation, for the purpose of taking over all these operative rights and the assets, subject to outstanding liabilities, which they have heretofore operated under the name of Bekins Fireproof Storage. These assets and liabilities as of November 1, 1924, the date of organization of the corporation, were reported as follows:

Assets.		
Motor truck and trailers	$58,347 02	
Moving equipment	1,330 98	
Franchise	5,000 00	
Prepayments	345 35	
Total assets		$65,023 35
Liabilities.		
Accounts payable	$8,757 07	
Accruals	2,566 28	
Total liabilities		11,323 35
Balance		$53,700 00

For the year ending October 31, 1925, Bekins Van Lines, Inc., reports its revenues and operating expenses as follows:

Operating Revenues.		
Line hauling	$116,237 79	
Transbay line hauling	22,246 64	
Loading and unloading	30,518 31	
Total		$169,002 74

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Operating Expenses.

Salaries and wages	$65,181 02	
Automobile and truck expenses	23,390 91	
Depreciation of automobiles, trucks, and trailers	16,216 00	
Depreciation of moving equipment	1,114 70	
Administrative expenses charged by Bekins Van and Storage Company	30,674 53	
Tolls	4,650 19	
Taxes	4,307 00	
Rent	8,100 00	
Truck rentals	7,301 46	
Advertising	2,024 19	
Drivers' expenses	3,111 92	
Loss and damage	1,698 89	
Loading and unloading expenses	1,104 74	
Commissions	1,777 36	
Legal expenses	1,242 18	
Compensation insurance	1,194 16	
Bonus	1,350 00	
Miscellaneous	2,768 33	
Total		$177,207 58
Net loss from operations		$8,204 84

It appears that the $5,000 value claimed for franchise is an appraisal by officers of the company. On April 3, 1926, however, the Commission received a letter from Mr. Walter E. Burke, applicants' attorney, requesting that the amount be eliminated from the application and no stock be authorized against it. The order herein will therefore authorize the issue of $48,700 of stock.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of operative rights and the issue of $53,700 of stock, the Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted as herein provided, and that the issue of $48,700 of stock is reasonably required for the purpose specified herein;

It is hereby ordered, that Milo W. Bekins, Reed J. Bekins, Floyd R. Bekins and Ruth M. Holt, copartners doing business under the firm name and style of Bekins Fireproof Storage, be and they are hereby authorized to transfer to Bekins Van Lines, Inc., a corporation, the operative rights heretofore granted them by Decision No. 12980, dated January 3, 1924, as amended by Decision No. 14052, dated September 12, 1924, in Application No. 9181; by Decision No. 13775, dated July 3, 1924, in Application No. 9730 and by Decision No. 15085, dated June 22, 1925, in Application No. 9993, together with the automobiles, trucks,

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trailers and other personal property referred to in the financial statement on file in this proceeding, and Bekins Van Lines, Inc., a corporation, be and it is hereby authorized to issue in payment for such operative rights and properties, $48,700 of its common capital stock.

The authority herein granted is subject to the following conditions:

(1) Milo W. Bekins, Reed J. Bekins, Floyd R. Bekins and Ruth M. Holt shall cancel immediately all time schedules, tariffs, rates and classifications now on file with the Railroad Commission and Bekins Van Lines, Inc., a corporation, shall file new time schedules, tariffs, rates and classifications identical with those heretofore filed by Milo W. Bekins, Reed J. Bekins, Floyd R. Bekins and Ruth M. Holt, or adopt as its own the time schedules, tariffs, rates and classifications heretofore filed by Milo W. Bekins, Reed J. Bekins, Floyd R. Bekins and Ruth M. Holt, such cancellation and filing to be in accordance with the provisions of General Order No. 51 and other regulations of this Commission.

(2) Bekins Van Lines, Inc., a corporation, hereafter shall not transfer, assign, lease, sell, hypothecate or discontinue the rights and privileges it is herein authorized to acquire unless it first receives the consent of the Railroad Commission.

(3) No vehicles may be operated by Bekins Van Lines, Inc., a corporation, unless such vehicles are owned by such corporation, or are leased by it on a basis satisfactory to this Commission.

(4) Bekins Van Lines, Inc., a corporation, shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(5) The authority herein granted shall become effective upon the date hereof.

It is hereby further ordered, that the application in so far as it relates to the issue of $5,000 of stock be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this tenth day of April, 1926.

DECISION No. 16457.

IN THE MATTER OF THE APPLICATION OF CLAYTON E. COMSTOCK FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A PUBLIC UTILITY WATER SYSTEM IN TRACT No. 8741, CHEVY CHASE MANOR, IN THE CITY OF LONG BEACH AND IN THE COUNTY OF LOS ANGELES AND STATE OF CALIFORNIA.

Application No. 12383.

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Decided April 10, 1926.

CERTIFICATE—WATER UTILITY—RATES.—Clayton E. Comstock granted certificate to operate a water system within Tract No. 8741, Los Angeles County. Rates established.

Clayton E. Comstock, in propria persona.
Fred F. White, for City of Long Beach.

BY THE COMMISSION.

OPINION.

Clayton E. Comstock, in the above entitled application, asks this Commission for a certificate of public convenience and necessity to operate a public utility water system for the purpose of selling and distributing water for domestic purposes in Tract No. 8741, known as Chevy Chase Manor, located in the city of Long Beach, Los Angeles County.

A public hearing in this matter was held in Los Angeles before Examiner Williams, after all interested parties had been duly notified and given an opportunity to be present and be heard.

Clayton E. Comstock subdivided Tract No. 8741 into twenty-nine lots and has installed a pumping plant and distribution system to supply the tract with water for domestic purposes until such time as the service shall be taken over by the municipal water system of the city of Long Beach.

The water supply is pumped from a well into a storage tank of 1500 gallons capacity and thereafter distributed by gravity to the consumers. There is no other water system available to supply this tract, and as no one appeared to contest the granting of this application, it appears that the request should be granted.

Applicant asks that a flate rate of $1.50 per month for each consumer be granted and that the application be amended to include the establishment of a comparable meter rate. The rate requested being considered reasonable under the existing conditions on this system, and comparing favorably with the rate charged by other small utilities operating in the general vicinity under similar circumstances, it will therefore be established in the following order.

ORDER.

Clayton E. Comstock having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Clayton E. Comstock operate a public utility for the purpose of supplying water for domestic use to consumers within Tract No. 8741, Los Angeles County.

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It is hereby ordered, that Clayton E. Comstock be and he is hereby directed to file with the Commission, on or before twenty days from the date of this order, the following schedule of rates to become effective for all water delivered to consumers subsequent to the date of the order herein.

Flat Rate.

For all residences per month	$1 50

Monthly quantity rate— *Meter Rates.*

For 500 cubic feet or less	$1 50
From 500 to 2000 cubic feet, per 100 cubic feet	20
All over 2000 cubic feet, per 100 cubic feet	15

Monthly meter rates—

For ⅝-inch meter	$1 50
For ¾-inch meter	1 75
For 1 -inch meter	2 75
For 1½-inch meter	3 50
For 2 -inch meter	6 00

It is hereby further ordered, that Clayton E. Comstock be and he is directed to file with this Commission, on or before thirty days from the date of this order, rules and regulations to govern relations with his consumers, said rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this tenth day of April, 1926.

DECISION No. 16458.

IN THE MATTER OF THE APPLICATION OF YREKA RAILROAD COMPANY, A CORPORATION, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE PASSENGER MOTOR BUS SERVICE BETWEEN YREKA AND MONTAGUE, BOTH IN SISKIYOU COUNTY.

Application No. 12531.

Decided April 10, 1926.

CERTIFICATE—MOTOR BUS—PICK-UP AND DELIVERY.—Certificate granted.

Tapscott and Tapscott, by *Jas. R. Tapscott,* for Applicant.

BY THE COMMISSION.

OPINION.

Yreka Railroad Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile bus service as a common carrier of passengers between Yreka and Montague, in the county of Siskiyou, such service to be supplemental to the passenger

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train service now operated over the railroad of applicant and in lieu of certain rail passenger service as heretofore operated.

A public hearing on this application was conducted by Examiner Handford at Yreka, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked Exhibit "A" and to operate on a schedule of five round trips daily, furnishing connection at Montague with the main line passenger trains of the Southern Pacific Company.

The equipment proposed to be used is a Reo Speedwagon on a special Reo chassis and with a passenger carrying capacity of fifteen persons.

Applicant relies as justification for the granting of the desired certificate upon the following alleged facts:

That the proposed service is to supplement applicant's present passenger train service; that the delay incident to the transfer of large quantities of parcel post and express matter at Montague on the arrival of Southern Pacific trains Nos. 13 and 16 results in a loss of patronage to the rail line of applicant as passengers employ "for hire" cars or their private automobiles; that the passenger traffic originating at Montague from a connection with Southern Pacific train No. 14 is of such slight volume that it does not justify train operation by applicant and the public using such train can be served more satisfactorily and economically by the proposed motor bus service; that the present train service furnishes a station to station service between Montague and Yreka necessitating a long walk at Yreka from the station to the business district or the hiring of a local taxi; and that applicant proposes to pick up and deliver passengers at any point within the corporate limits of the town of Yreka.

At the hearing applicant amended the application to include a pick-up and delivery service at all points within the corporate limits of the town of Montague.

Mr. D. C. Avery, superintendent and manager of applicant corporation, testified as to the inconvenience caused passengers destined to Yreka by reason of the transfer of mail, baggage and express from the Southern Pacific trains at Montague, delays from fifteen to thirty minutes being due to such cause which can not be eliminated under the present railroad operation.

He further testified that if the automobile bus service is authorized passengers and their hand baggage will be en route from Montague to Yreka in from three to five minutes after the arrival of Southern Pacific trains at the former point. The elapsed time between Montague and Yreka will also be reduced ten to fifteen minutes over

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the train schedule, the distance via automobile road being shorter than via the railroad. An additional train of the Southern Pacific Company will receive connecting service by the bus service, which is not now available by the rail operation. This witness also anticipates some conservation of operating expense by the coordinated rail and auto bus service in lieu of the former exclusive rail service, and that the patrons of applicant will be more satisfactorily and adequately served.

Mr. Henry Schock and Mr. C. A. Turner, both directors of applicant corporation, testified as to the convenience of the proposed operation and their familiarity with the needs of the communities of Yreka and Montague. Their testimony confirms that of the previous witness.

Although due notice of the hearing was given by publication and posting to all parties who might be possible protestants, there was no appearance in protest against the granting of the application.

From the record herein we are of the opinion and hereby find as a fact that the proposed establishment of automobile bus service and its coordination with the passenger rail service of the applicant will satisfactorily meet the public need for passenger transportation between Yreka and Montague and that the application, as amended, should be granted.

ORDER.

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Yreka Railroad Company, a corporation, of an automobile bus service as a common carrier of passengers and hand baggage between Yreka and Montague, including pick-up and delivery of passengers and their hand baggage within the corporate limits of the town of Yreka and the town of Montague, such service to be coordinated with the passenger train service of applicant; and

It is hereby ordered, that a certificate of public convenience and necessity be and the same hereby is granted to Yreka Railroad Company, a corporation, covering the operation of an automobile bus service as a common carrier of passengers and hand baggage between Yreka and Montague, in Siskiyou County, together with pick-up and delivery service in the corporate limits of the town of Yreka and the town of Montague.

The authority hereby conveyed is subject to the following conditions:

1. Applicant herein shall file with the Railroad Commission its written acceptance of the certificate herein granted within a period of not to exceed ten days from date hereof; shall file, in duplicate, tariff

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of rates and time schedules within a period of not to exceed twenty days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under contract or agreement on a basis satisfactory to the Railroad Commission.

4. For all other purposes the effective date of this order shall be twenty days from the date hereof.

It is hereby further ordered, that applicant, Yreka Railroad Company, a corporation, is hereby authorized to make such reduction in its scheduled passenger train operation as may be necessary to meet the requirements of a coordinated passenger service by a combined rail and auto bus service, provided, however, that the Commission hereby expressly reserves the right to make such other and further orders in this proceeding as to it may appear just and proper, or as, in its opinion, the public convenience and necessity may demand.

Dated at San Francisco, California, this tenth day of April, 1926.

DECISION No. 16464.

IN THE MATTER OF THE APPLICATION OF THE CONSOLIDATED WATER AND DEVELOPMENT COMPANY, A CALIFORNIA CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 12031.

Decided April 12, 1926.

CERTIFICATE—WATER UTILITY—RATES.—Certificate granted to Consolidated Water and Development Company to operate water system in Tract No. 993, Los Angeles County. Rates fixed.

F. Walton Brown, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled application, Consolidated Water and Development Company, a corporation, requests a certificate of public convenience and necessity to operate a public utility water system in Tract No. 993, in Los Angeles County. The Commission is further asked to establish the same schedule of rates as are now in effect on

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applicant's North Moneta water plant, which serves a territory immediately adjacent to above Tract No. 993.

A public hearing in this matter was held in Los Angeles before Examiner Williams after all interested parties had been duly notified and given an opportunity to be present and be heard.

Tract No. 993 was subdivided and placed upon the market by Albert H. Beach, who installed pipe lines throughout a considerable portion of the property for the purpose of supplying water to the purchasers of the lots. There are located upon the tract two wells and a pumphouse site which under the terms of an agreement entered into by and between said Beach and applicant are all to be transferred to the latter in consideration of the applicant supplying water to the tract for domestic and other purposes. The above mentioned agreement also provides for the installation by said Beach of all such additional mains or pipe lines as may be necessary to distribute water to all lots within the tract if and when applicant obtains the necessary authority from this Commission to so operate and actually undertakes such service.

The testimony indicates that one of the wells located upon Tract No. 993 may reasonably be expected to yield a considerably larger volume of water than will be required for use within the tract. It is intended to use the surplus water from this well to augment the water supply of the North Moneta plant, which is now in need of additional water.

Tract No. 993 contains 16 lots and already has nine residences constructed within its boundaries. There is no other water system available to furnish water to this property than the above mentioned North Moneta Plant, owned and operated by applicant. In view of the fact that the franchise granted to the Consolidated Water and Development Company under Ordinance No. 1234 of the board of supervisors of Los Angeles County includes within its boundaries Tract No. 993, it appears that the request of applicant should be granted. The rates which are now in effect in the adjacent territory served by the North Moneta plant will be authorized for water furnished to consumers in Tract No. 993.

ORDER.

The Consolidated Water and Development Company, a corporation, having made application for a certificate of public convenience and necessity to supply water to consumers residing in Tract No. 993 in Los Angeles County, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that the Consolidated Water and Development Company, a corporation, operate a water system for the purpose of furnishing water for

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domestic and other purposes to consumers located in Tract No. 993, Los Angeles County; and

It is hereby ordered, that the Consolidated Water and Development Company be and it is hereby directed to file with this Commission within twenty days from the date of this order, the following schedule of rates, effective for all water delivered to consumers subsequent to the date of the order herein.

Domestic Flat Rates.

1. For a ¾-inch service, a monthly flat rate for residences, boarding houses or tenements of five rooms or less	$1 50
For each additional room per month	25
Additional for private barn with not more than two horses or cows or one automobile, per month	50
For each additional horse or cow per month	20
For each additional automobile per month	50
2. Sprinkling or irrigation of lawns, shrubbery, trees, gardens, etc., per square yard per month	005

Irrigation Rates.

A flat rate per hour for water delivered through a two (2) inch hydrant attached to a four (4) inch main of	75

Domestic Meter Rates.

For 400 cubic feet of water or less, per month	1 00
For 400 to 1000 cubic feet, per 100 cubic feet, per month	20
For 1000 to 2000 cubic feet, per 100 cubic feet, per month	15
All in excess of 2000 cubic feet, per 100 cubic feet, per month	12

NOTE—Meters may be installed at the option of the consumer or the company. When a meter is installed at the request of a consumer, a deposit may be required, such deposit to be returned to the consumer as a credit on monthly bills at a rate of one twentieth (1/20) of the deposit per month.

The following deposits may be required:

For ⅝-inch meter	$15 00
For ¾-inch meter	20 00
For 1 -inch meter	25 00
For 1½-inch meter	45 00
For 2 -inch meter	70 00

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twelfth day of April, 1926.

DECISION No. 16469.

IN THE MATTER OF THE JOINT APPLICATION OF INTER-URBAN EXPRESS CORPORATION, A CORPORATION, DRAYAGE SERVICE CORPORATION, A CORPORATION, AND R. H. RASMUSSEN AND J. C. SVANE, DOING BUSINESS UNDER THE NAME AND STYLE OF SANTA FE EXPRESS AND DRAYAGE COMPANY FOR PERMISSION FOR THE TRANSFER TO INTER-URBAN EXPRESS CORPORATION BY DRAYAGE SERVICE CORPORATION AND SANTA FE EXPRESS AND DRAYAGE COMPANY OF OPERATIVE RIGHTS AND PROPERTY IN RETURN FOR STOCK OF INTER-URBAN EXPRESS CORPORATION, AND FOR PERMISSION FOR INTER-URBAN EXPRESS CORPORATION TO OPERATE BETWEEN POINTS.

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Application No. 12677.
Decided April 12, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

J. W. O'Neill and *Louis B. De Avila*, for Applicants.

BY THE COMMISSION.

FIRST SUPPLEMENTAL OPINION.

All matters involved in the proceeding, except the issue of stock, have been determined by Decision No. 16339, dated March 30, 1926.

Inter-Urban Express Corporation asks permission to issue $84,400 of its common capital stock in payment for the properties (described in Exhibit "A") of Drayage Service Corporation and the properties (described in Exhibit "B") of R. H. Rasmussen and J. C. Svane, doing business under the firm name and style of Santa Fe Express and Drayage Company.

The record shows that Inter-Urban Express Corporation was organized on or about February 27, 1926, primarily for the purpose of acquiring from Drayage Service Corporation and from R. H. Rasmussen and J. C. Svane certain operative rights permitting the transportation of freight and merchandise between cities on and adjacent to San Francisco Bay, and certain properties used in connection with such transportation. By Decision No. 16339, dated March 30, 1926, in this proceeding, the Commission authorized Drayage Service Corporation and R. H. Rasmussen and J. C. Svane to transfer to applicant their operative rights and such properties which were described in exhibits "A" and "B" attached to the application. Reference is made to that decision for a more complete description of the operative rights.

This decision will cover the issue of stock to finance the cost of the physical properties. The corporation has an authorized capital stock of $250,000, divided into 2500 shares of the par value of $100 each, all common, and it asks permission at this time to issue $41,100 in payment of the properties of Drayage Service Corporation and $43,300 in payment of the properties of R. H. Rasmussen and J. C. Svane.

The properties are described in some detail in Exhibits "A" and "B." Summarized, they include the following:

Drayage Service Corporation:		
Furniture and fixtures	$135 20	
Improvements on leased properties	2,088 53	
Automobiles	38,917 95	
Subtotal		$41,141 68

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R. H. Rasmussen and J. C. Svane:

Horses	$2,775 00	
Automobiles	36,021 65	
Wagons and harness	4,473 75	
Miscellaneous equipment	58 37	
Subtotal		$43,328 77
Total		$84,460 45

The automobiles to be acquired from Drayage Service Corporation include two Acason 2½-ton tractors, one Buda 1½-ton tractor, one G. M. C. 3½-ton truck, one G. M. C. 5-ton truck, one Mack 1½-ton tractor, one Federal 2½-ton truck, four Federal 1½-ton trucks, four special two-wheel trailers and three Lapeer two-wheel trailers; a total of eleven trucks and tractors and seven trailers. The automobiles to be acquired from R. H. Rasmussen and J. C. Svane include one Ford coupe, one Fordson tractor, one Autocar 2-ton truck, one Autocar 3-ton truck, one Federal 1½-ton truck, one Fageol 2½-ton truck, eight Mack 2-ton trucks and one special two-wheel trailer; a total of thirteen trucks and tractors, one coupe and one trailer. The prices set forth in the exhibits are based on appraisals made by the American Appraisal Company and are said to represent the replacement cost less depreciation estimated to have accrued. The properties will be transferred free and clear of all liens and indebtedness.

FIRST SUPPLEMENTAL ORDER.

Inter-Urban Express Corporation having applied to the Railroad Commission for permission to issue $84,400 of stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the issue of the stock is reasonably required by applicant and that the request should be granted as herein provided;

It is hereby ordered, that Inter-Urban Express Corporation be and it is hereby authorized to issue not exceeding $84,400 of its common capital stock and deliver $41,000 thereof to the Drayage Service Corporation in payment for the properties described in Exhibit "A" attached to the petition herein, and $43,300 to R. H. Rasmussen and J. C. Svane, doing business under the firm name and style of Santa Fe Express and Drayage Company, in payment for the properties described in Exhibit "B" attached to the petition herein, provided that none of said stock may be delivered unless the properties described in said Exhibits "A" and "B" are transferred to Inter-Urban Express Corporation free and clear of all liens or encumbrances.

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The authority herein granted is subject to the following conditions:

1. The par value of stock herein authorized to be issued shall not hereafter be urged before this Commission, or other court or public body having jurisdiction, as a measure of value of the properties described in said exhibits "A" and "B" for the purpose of fixing rates or for any purpose other than this transfer.

2. Drayage service Corporation and R. H. Rasmussen and J. C. Svane shall file with the Commission as soon as possible a financial statement for the period from January 1, 1926, to the date they transferred their operations to applicant, such statements to be filed on the annual report forms provided by the Commission.

3. Inter-Urban Express Corporation shall keep such record of the issue of the stock herein authorized as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twelfth day of April, 1926.

DECISION No. 16473.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE, SELL AND DELIVER ITS FIRST PREFERRED CAPITAL STOCK TO THE PAR VALUE OF FIVE MILLION DOLLARS AND TO USE THE PROCEEDS FROM THE SALE OF SAID STOCK IN THE MANNER AND FOR THE PURPOSES SET FORTH HEREIN.

Application No. 12714.

Decided April 12, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Chas. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Gas and Electric Company asks permission to issue and sell at not less than $98 per share, 50,000 shares ($5,000,000 par value) of its 6 per cent preferred capital stock and expend the proceeds for the purposes hereinafter indicated.

Applicant has an authorized stock issue of $160,000,000, divided into $79,900,000 of 6 per cent first preferred, $100,000 of 6 per cent original preferred, and $80,000,000 of common. As of December 31, 1925, the company reports outstanding $54,456,031.91 of first preferred,

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none of the original preferred, and $79,113,415 of the common. Of the common stock, $31,696,866.66 was, as of December 31, 1925, owned by subsidiary companies. The company further reports $714,300 par value of common stock and $460,500 par value of first preferred stock subscribed for but not fully paid or issued.

Applicant reports actual or estimated expenditures of $26,875,925.74, against which the Commission has not authorized the issue of stock, bonds, notes or other evidences of indebtedness, except as hereinafter set forth. The $26,875,925.74 is segregated by applicant as follows:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mt. Shasta Power Corporation (Exhibit "B," Application No. 12192)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925, by Pacific Gas and Electric Company (Exhibit "C," Application No. 12192)	8,342,091 11
Estimated cost of new construction, Pacific Gas and Electric Company for 1925 and 1926 (Exhibit "D," Application No. 12192)	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925, by Mt. Shasta Power Corporation (Exhibit "E," Application No. 12192)	2,419,504 37
Total	$26,875,925 74

To enable applicant to finance in part the foregoing actual or estimated expenditures, the Commission has, by Decision No. 15758, dated December 16, 1925, in Application No. 12192, authorized applicant to use $464,105.40 obtained from sale of stock, the issue of which was heretofore authorized by the Commission.

To finance further its construction expenditures referred to herein, the Commission by Decision No. 15782, dated December 21, 1925, in Application No. 12261, authorized the company to issue $2,500,000 preferred stock, and by Decision No. 15874, dated January 19, 1926, in Application No. 12277, $5,000,000 of common stock, and by Decision No. 15895, dated January 23, 1926, in Application No. 12413, $5,000,000 of preferred stock. It is estimated that applicant will realize from the sale of the stock referred to in the four decisions approximately $10,331,974. Deducting the $10,331,974 from the $26,875,925.74 leaves a balance of $16,543,951.74. Applicant now asks permission to issue and sell $5,000,000 additional first preferred stock. It asks that it be permitted to sell such stock at not less than par per share and use, of the proceeds, an amount equal to not more than $1 per share to pay expenses incident to the sale of the stock and to use the remaining proceeds to finance in part the construction expenditures referred to in this opinion.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to issue $5,000,000 of its 6 per cent first preferred stock, a public hearing having been held before Examiner

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Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purpose specified in this order, and that the expenditures for such purpose are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted, as herein provided; therefore,

It is hereby ordered, that Pacific Gas and Electric Company be and it is hereby authorized to issue and sell on or before December 31, 1926, at not less than $98 per share, 50,000 shares ($5,000,000 par value) of its 6 per cent first preferred stock, and use of the proceeds, if necessary, an amount equal to not more than one dollar per share of stock sold to pay expenses incident to the sale of such stock, and use the remainder of the proceeds, together with such portion of the amount herein allowed to pay expenses incident to the sale of stock as may not be needed for said purposes, to pay in part such cost of the extensions, additions, betterments and improvements to its facilities and to those of the Mount Shasta Power Corporation described in exhibits "B," "C," "D" and "E," filed in Application No. 12192, as is properly chargeable to fixed capital accounts under the uniform system of accounts prescribed or adopted by this Commission.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twelfth day of April, 1926.

DECISION No. 16475.

IN THE MATTER OF THE APPLICATION OF LAWRENCE WAREHOUSE COMPANY, A CORPORATION, TO ISSUE STOCK.

Application No. 12589.

Decided April 12, 1926.

SECURITIES—STOCK—TO ISSUE—UNAUTHORIZED ACTS—PENAL PROVISION.—Lawrence Warehouse Company having applied to the Railroad Commission for authority to issue $49,930 of its preferred stock, and $53,380 of its common stock, and the Commission having learned that applicant has purchased stock of other public utilities, and issued a $100,000 ten-year 6 per cent note, without authority of the Commission, the present application is dismissed without prejudice, pending compliance with the Public Utilities Act by obtaining permission to perform the acts already done without authorization of the Commission. Unless this is done the Commission will enforce penal provisions of the Public Utilities Act.

Sanborn and Roehl and Delancey C. Smith, by *H. H. Sanborn,* for Applicant.

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BY THE COMMISSION.

OPINION.

In this proceeding Lawrence Warehouse Company asks permission to issue $49,930 of its preferred stock and $53,380 of its common stock.

An examination of the record in this proceeding shows that applicant has submitted a balance sheet based on a valuation, rather than on a cost basis of its properties; that it has purchased stock of other public utilities without the consent of the Commission, and that it has issuel a $100,000 ten-year 6 per cent note without permission from the Commission.

This Commission will not authorize the Lawrence Warehouse Company to issue any additional stock until the company has complied with the provisions of the Public Utilities Act. Moreover, we are of the opinion that applicant should submit a revised balance sheet based on the cost of its properties, and not on a valuation thereof. We do not look with favor upon the creation of a surplus by a revaluation of assets. In the balance sheet now on file, applicant reports a surplus of $237,308.99, whereas our analysis indicates that applicant's earned surplus amounts only to $43,914.18.

Unless applicant files forthwith a formal application to perform the acts which it has done in violation of the Public Utilities Act, this Commission will be obliged to take steps to enforce the penal provisions of the Public Utilities Act.

When applicant has complied with the Public Utilities Act, the Commission will give further consideration to the request of applicant for permission to issue additional stock. In the meantime, we believe that this application should be denied without prejudice.

ORDER.

Lawrence Warehouse Company having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser and it appearing that the company has violated certain provisions of the Public Utilities Act, and it being the Commission's opinion that the pending application should be denied without prejudice to its renewal at such time as applicant has complied with said act; now, therefore,

It is hereby ordered, that this application be and it is hereby denied without prejudice.

Dated at San Francisco, California, this twelfth day of April, 1926.

DECISION NO. 16486.

IN THE MATTER OF THE APPLICATION OF LIBERTY ACRES WATER COMPANY FOR PERMISSION AUTHORIZING INSTALLATION OF

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METERS AND FIXING RATES TO BE CHARGED FOR METER SERVICE.

Application No. 11756.
Decided April 13, 1926.

RATES—WATER UTILITY—METERED SERVICE.—Metered rates established, and applicant directed to flush mains and to remove cause for complaint as to quality of water.

John V. Morris, for Applicant.
Frank A. Martin, for Consumers.

WHITSELL, *Commissioner*.

OPINION.

Liberty Acres Water Company, a corporation, applicant in the above entitled proceeding, is engaged in the public utility business of supplying water for domestic and other purposes to consumers living in a district known as Liberty Acres, near the town of Hawthorne, in Los Angeles County. The application alleges in effect that water is now being sold under flat rates, which has resulted in many consumers using large amounts for irrigation purposes; that certain of the consumers have become careless in the use of water and allow large quantities to run to waste, which is increasing the cost of operating the system. It is further alleged that the present operations of the system are being conducted at a loss. The Commission is therefore requested to authorize the installation of meters and establish the following schedule of rates for measured service:

Meter Rates.

Minimum monthly charge, for 400 cubic feet or less	$1 50
Next 400 cubic feet, per 100 cubic feet	50
Next 1000 cubic feet, per 100 cubic feet	25
All over 2000 cubic feet, per 100 cubic feet	15

A public hearing in this application was held in Los Angeles after all interested parties had been duly notified and given an opportunity to appear and be heard.

The water supply, which is obtained by pumping from a well with an electrically-driven deep-well pump, is delivered directly into the mains or stored in a redwood tank of 25,000 gallons capacity, from which distribution is made by gravity. The distribution system consists of approximately 44,800 feet of 4- and 6-inch 14-gauge riveted steel pipe and 2-inch standard screw pipe. For the year 1925 there was an average of 67 active consumers served by this system, showing 669 feet of main per consumer, indicating a sparsely settled service area or an overbuilt system.

The rates now in effect on this system were established by the Commission in Decision No. 13926, dated August 16, 1924, granting this

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company a certificate of public convenience and necessity to operate, and are as follows:

Flat Rates.

For ¾-inch service	$1 50 per month
For 1 -inch service	3 00 per month

A report was submitted by D. H. Harroun, one of the Commission's hydraulic engineers, in which the original cost of the used and useful properties of applicant's water system was estimated to be $35,026 as of December 31, 1925, with a corresponding depreciation annuity of $944, based upon the 5 per cent sinking fund method. The maintenance and operating expenses for the year 1925 as shown by the books of the company were $1,316. However, the records were incomplete and did not include such items as taxes, supervision, office and commercial expenses. The Commission's engineer recommended the sum of $1,710 as reasonable for the annual costs of operation and maintenance for the immediate future. The revenues for the year 1925 were $1,278.

The evidence shows that the property known as Liberty Acres was subdivided and placed upon the market by Ole Hanson. The Liberty Acres Water Company, a corporation, was organized on or about August 22, 1923, for the purpose of supplying the subdivision with water. The water system was installed during the same year. On August 16, 1924, the Commission issued its Decision No. 13926 granting this water company a certificate of public convenience and necessity to operate. The evidence shows that this system is designed to furnish water to a much greater population than is now served. The plant and system are greatly overbuilt so far as present needs are concerned. This company is now in the development stage and therefore can not reasonably expect the present consumers to stand the prohibitive burden of rates sufficient to pay a return upon the amount of capital invested over and above operating and depreciation costs. The rate set out below compares favorably with the rates now charged by other small water utilities operating in the general vicinity under similar conditions, and with the exercise of proper economies and the installation of meters should provide revenues to the company which under existing circumstances will be fair and reasonable.

Complaint was made by certain consumers that the water furnished by applicant at times is highly discolored and gives off an offensive odor. The State Board of Health has reported that the water is potable and not contaminated or injurious to health. Investigation developed the fact that the odor is caused by sulphur and the discoloration by permitting water to stand in the pipe lines for a considerable length of time without circulation. Dead ends on the distribution mains should be eliminated as rapidly as the finances of the company will warrant. Applicant will be expected to flush out system-

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atically and thoroughly its mains at such frequent intervals as are necessary to remedy the discoloration and odors complained of. In case the flushing of the mains should prove insufficient to remove entirely the unpleasant odors, it will be incumbent upon the company to install a system for the aeration of the water as it comes from the well and before being delivered into the mains.

The following form of order is submitted:

ORDER.

Liberty Acres Water Company having made application as entitled above, a public hearing having been held thereon and the matter having been submitted:

It is hereby found as a fact that the rates now charged by the Liberty Acres Water Company for water supplied to its consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for the service rendered; and basing its order upon the foregoing finding of fact and upon the statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that the Liberty Acres Water Company be and it is hereby authorized and directed to file with the Railroad Commission within twenty days from the date of this order the following rates for water delivered to its consumers, said rates to be charged for all water delivered on and after May 1, 1926:

Monthly Flat Rates.

For ¾-inch service	$1 50
For 1 -inch service	3 00

Meter Rates.

Minimum monthly charges—

⅝ by ¾-inch meters	$1 50
¾-inch meters	2 00
1 -inch meters	3 25
1½-inch meters	5 00
2 -inch meters	7 00

Each of the foregoing "minimum monthly charges" will entitle the consumer to the quantity of water which that minimum will purchase at the "monthly meter rates" set out as follows:

Monthly meter rates—

From 0 to 1500 cubic feet, per 100 cubic feet	$0 25
From 1500 to 2500 cubic feet, per 100 cubic feet	20
Over 2500 cubic feet, per 100 cubic feet	15
Fire hydrants, each per month	50

It is hereby further ordered, that the Liberty Acres Water Company be and it is hereby directed to file with the Railroad Commission, within thirty days from the date of this order, rules and regulations governing the service of water to its consumers, said rules and regula-

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tions to become effective upon their approval by the Railroad Commission.

It is hereby further ordered, that the Liberty Acres Water Company flush the mains of this system at such intervals as will assure a pure, clean and unoffensive supply of water to its consumers.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this thirteenth day of April, 1926.

DECISION No. 16487.

IN THE MATTER OF THE APPLICATION OF NEVADA COUNTY NARROW GAUGE RAILROAD COMPANY FOR A CERTIFICATE THAT PUBLIC CONVENIENCE AND NECESSITY WILL PERMIT THE ABANDONMENT OF ITS RAILROAD OPERATING BETWEEN COLFAX AND NEVADA CITY, CALIFORNIA.

Application No. 11586.

Decided April 16, 1926.

ABANDONMENT—SERVICE—STEAM RAILROAD.—Applicant authorized to abandon service on its line between Colfax and Nevada City by way of Grass Valley, on account of insufficient return.

Jesse H. Steinhart, for Applicant.
Lynne Kelly, for City of Grass Valley, Protestant.
W. E. Wright, for Board of Supervisors of Nevada County, Nevada City Chamber of Commerce and Nevada City Trustees, Protestants.

BY THE COMMISSION.

OPINION.

Nevada County Narrow Gauge Railroad Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment of its narrow gauge steam railroad operated between Colfax and Nevada City, all in the State of California, alleging that the revenue received from the operation of said railroad has not been and will not be sufficient to defray the expense of such operation.

A public hearing on this application was conducted by Examiner Handford at Grass Valley, the matter was thereafter duly submitted and is now ready for decision.

The historical record of applicant corporation has heretofore been reviewed by this Commission in its Decision No. 1384 in Case No. 178, as decided March 30, 1914 (C. R. C. Decisions, Volume 4, page 551 *et seq.*). The following description of the territory through which the line operates has been abstracted from the above quoted decision in that it still reflects existing conditions:

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The entire mileage lies in semi-mountainous and generally wooded country. The timber today is practically all second growth. Originally the entire territory traversed by the road was a productive mining region, but at the present time most of the mines around Grass Valley and Nevada City are shut down or abandoned on account of the exhaustion of paying ore or because of the operation of the anti-debris law. Agricultural development and consequent advance in real estate values have been quite perceptible recently, and there are to be found today along the right of way numerous meadows and pasture lands, and many cleared areas, with dwellings and small orchards, and occasionally a small tract of hay or garden land.

Mr. H. A. Mitchell, president of applicant corporation, testified as to the results of operation and the present financial condition of the company. The following are abstracts from exhibits filed:

	Operating Revenue.				
Year	*Freight revenue*	*Passenger revenue*	*Other transportation revenue*	*Non-transportation revenue*	*Total*
1915----	$75,719 83	$56,743 42	$7,747 43	$1,394 80	$141,605 48
1916----	72,052 61	52,009 42	8,043 15	3,753 56	135,858 74
1917----	68,688 37	48,932 37	7,923 62	3,359 78	128,904 14
1918----	64,080 48	43,211 93	7,189 10	2,944 13	117,425 64
1919----	65,407 66	44,154 31	8,595 18	2,266 11	120,423 26
1920----	61,990 93	42,668 78	8,916 78	2,256 49	115,832 51
1921----	68,865 13	39,150 92	11,429 40	2,579 00	122,024 45
1922----	82,074 52	39,992 33	12,573 71	3,105 76	137,746 32
1923----	72,865 61	28,340 20	8,893 23	2,686 16	112,785 20
1924----	57,345 07	18,808 16	9,582 23	1,820 96	87,556 42
1925*---	25,063 83	8,308 82	5,904 03	1,059 73	40,336 41

Year	*Operating expenses*	*Net operating revenue*	*Miscellaneous income*	*Gross income less operating expenses*	*Deduction from gross income*
1915----	$94,090 26	$47,515 22	$796 07	$48,311 29	$25,499 14
1916----	93,485 88	42,372 86	1,055 38	43,428 25	20,683 05
1917----	96,741 30	32,162 84	818 97	32,981 81	18,677 75
1918----	90,355 06	27,070 58	2,268 55	29,339 13	17,892 42
1919----	94,259 49	26,163 77	878 74	27,042 51	16,865 20
1920----	105,061 65	10,770 86	1,147 47	11,918 33	16,540 42
1921----	105,085 30	16,939 15	2,033 85	18,973 00	16,593 28
1922----	109,157 31	28,589 01	2,043 82	30,632 83	19,897 89
1923----	97,728 41	15,056 79	2,078 05	17,134 84	18,165 13
1924----	88,991 52	1,435 10*	9,822 45	8,387 35	16,117 94
1925*---	52,570 49	12,234 08*	521 64	11,712 44†	7,917 11

Surplus Year		*Surplus Year*	
1915----------	$22,812 15	1921----------	$2,379 72
1916----------	22,745 19	1922----------	10,734 94
1917----------	14,304 06	1923----------	1,030 29*
1918----------	11,446 71	1924----------	7,730 59*
1919----------	10,177 31	1925----------	19,629 55*
1920----------	4,622 09*		

It appears from the record that the passenger business has steadily declined due principally to the privately owned automobile, the improved highways, and the service rendered by a competing stage line.

* To July 31st.
† Indicates deficit.

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The freight revenue shows a steady decrease with the exception of the years 1922 and 1923 when large quantities of rock and other road material were transported for highway construction. There appears no prospect of increased freight traffic in a sufficient volume to offset the gradually increasing deficit and to properly care for operating expenses, taxes and depreciation or to make any return on the value of the investment.

The granting of the application is protested by the city of Grass Valley, the board of supervisors of Nevada County, the Nevada City Chamber of Commerce, and the board of trustees of Nevada City.

The testimony of witnesses called in protest was directed to the anticipated condition resulting from a discontinuance of railroad operation by applicant but it appears that shippers and receivers have almost universally patronized trucks in the handling of less than carload freight business and in some instances in the transportation of carload shipments from the Southern Pacific stations of Colfax and Auburn. While it is true that a transfer of shipments is necessary from the standard gauge cars of the Southern Pacific Company at Colfax to the narrow gauge equipment of the applicant, there appears to have been no material advantage accruing to shippers and consignees by reason of the diversion of business from the line of the applicant other than such as might have been present by reason of lower rates offered by unauthorized truck operators.

The city of Grass Valley and the Grass Valley Chamber of Commerce filed formal protests against the granting of the application.

After full consideration of the evidence and the exhibits herein, we are of the opinion and hereby find as a fact that public convenience and necessity do not require the continued operation of the railroad of applicant. The record shows that the revenue derived from operation is less than the expense of maintenance and operation, taxes and depreciation and insufficient to produce a reasonable return on the investment. There is no evidence indicating that the volume of traffic will or can be increased to an extent which will result in revenue sufficient to defray the expense of maintenance and operation, to care for the items of depreciation and taxes, and to return a reasonable interest on the investment.

ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order;

It is hereby ordered, that applicant, Nevada County Narrow Gauge Railroad Company, a corporation, be and the same hereby is authorized

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to discontinue operation of its railroad as a common carrier, as such term is defined in paragraph (*l*) of section 1 of the Public Utilities Act (California Statutes of 1915, chapter 91, and effective amendments thereto); provided, however, that this order shall not become effective until ten days after the filing by applicant with this Commission of a certified copy of an order or other appropriate authorization of the Interstate Commerce Commission assenting to the discontinuance of service as an interstate carrier, and an affidavit as to the posting at all stations on the line of applicant's railroad of a notice of the date upon which operation as a common carrier is to be discontinued, the posting being hereby required to be made at least ten days prior to the discontinuance of operation as a common carrier as herein authorized.

Dated at San Francisco, California, this sixteenth day of April, 1926.

DECISION No. 16488.

IN THE MATTER OF THE APPLICATION OF WEST RIVERSIDE CANAL COMPANY, A CORPORATION, FOR AUTHORITY TO INCREASE RATES FOR CARRYING WATER.

Application No. 12051.

Decided April 16, 1926.

RATES—WATER UTILITY—TO INCREASE.—Rates established that are estimated to produce a return of 2.4 per cent upon a reasonable valuation.

C. L. McFarland, for Applicant.

BY THE COMMISSION.

OPINION.

West Riverside Canal Company, a corporation, applicant in the above entitled proceeding, owns an irrigation canal system which it operates as a common carrier of water for certain agriculturists in San Bernardino and Riverside counties. The applicant alleges in effect that the present carrying charges do not yield a revenue sufficient to meet the actual cost of operation because the taxes have been increased nearly one thousand dollars per year since the Commission established the rates now in effect and also by reason of the fact that many of the tracts of land formerly served as a unit have now been subdivided into smaller parcels, thereby greatly increasing the labor costs of distribution. The Commission therefore is asked to grant an increase in rates.

A public hearing in this matter was held before Examiner Williams at Riverside after all interested parties had been duly notified and given an opportunity to appear and be heard.

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The evidence shows that the West Riverside Canal Company, while organized as a public utility, in reality carries water only for its owners and stockholders. The company does not own or control a water supply but acts more in the capacity of a common carrier of water for a group of individuals who are stockholders or own water rights in certain mutual water companies obtaining water from the Santa Ana River. The water is delivered by the producing agencies to the applicant, which thereafter transports the water through its own canal system, consisting of approximately eighteen miles of flumes, main canals and lateral ditches.

The present rates were established by the Commission in its Decision No. 4040, dated January 20, 1917 (12 C. R. C. 339), and are as follows:

$8 00 per inch per year, payable—
$5 00 on or before January 10th each year,
$1 50 on or before May 10th each year,
$1 50 on or before August 10th each year.

Applicant asks that the following rates be established:

$9 00 per inch per year, payable—
$6 00 on or before January 10th each year,
$1 50 on or before May 10th each year,
$1 50 on or before August 10th each year.

According to the evidence, applicant has always operated on a basis of actual cost to the shareholders, has never attempted to operate at a profit, and does not at this time desire to earn a net return upon its invested capital. Applicant, however, does desire the establishment by this Commission of such a rate as will enable it to meet its current operating and maintenance expenses, together with its depreciation charges and financial requirements.

In Decision No. 4040 the engineers for the Commission fixed the value of the applicant's system as $195,836, based upon the reproduction cost new in 1916. Subsequent to that date the evidence shows that this company has expended $14,654 in additions and betterments to capital, making a total of $210,490.

There was no disagreement in the costs of operation and maintenance of this system for the year 1925 as submitted by applicant and the Commission's engineer, F. H. Van Hoesen, who reported that these expenses, exclusive of bond interest, sinking fund requirements and depreciation, amounted to $12,389. The depreciation annuity was estimated to be $1,100. The Commission's engineer recommended the sum of $12,602 as a reasonable cost of operation and maintenance, exclusive of depreciation, for the immediate future.

Based upon the operating revenues for the year 1925, which amounted to $16,677, and using the operating expenses and depreciation

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tion annuity recommended by the Commission's engineer, the results of operation for 1925 show a net return of 1.4 per cent on a tentative rate base of $210,490, which may be assumed to be sufficiently accurate for the purposes of illustration in view of the fact that the actual determination of a rate base will be unnecessary for this proceeding. In the same manner the rates proposed by applicant, which are estimated to produce approximately $18,762, based upon the full carrying capacity of the ditch system, will result in a net return of $5,060, which is equivalent to approximately 2.4 per cent upon the above assumed rate base. A full return of 8 per cent would amount to $16,839.

In view of the fact that this organization is operated by its consumers practically in the same manner as a nonprofit making concern, and as the rates requested by the company are reasonable under the circumstances, it appears that the request should be granted.,

ORDER.

West Riverside Canal Company, a corporation, having made application to this Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates charged by West Riverside canal company, a corporation, for transporting water are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that West Riverside Canal Company, a corporation, be and it is hereby authorized and directed to file with this Commission, within twenty days from the date of this order, the following schedule of rates to be charged for all water delivered to its consumers on and after the fifteenth day of April, 1926:

Yearly Transportation Charge.

$9 00 per inch per year, payable—
$6 00 on or before January 10th each year,
$1 50 on or before May 10th each year,
$1 50 on or before August 10th each year.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this sixteenth day of April, 1926.

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DECISION No. 16490.

HUTCHINSON COMPANY, INCORPORATED,

vs.

SOUTHERN PACIFIC COMPANY, ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

Case No. 2184.

Decided April 16, 1926.

RATES—STEAM RAILROAD—CRUSHED ROCK—REPARATION.—Carriers directed to return to complainant all charges collected in excess of $1.02 per ton for transportation of crushed rock, Dwight to Peters, during July and August, 1923, against which the undercharge bills were paid in February, 1925.

E. W. Hollingsworth, for Complainants.
James E. Lyons and *A. L. Whittle*, for Defendants.

BY THE COMMISSION.

OPINION.

The complainant, Hutchinson Company, is a corporation organized under the laws of the State of California, with its principal place of business in Oakland, and the interveners, William Moreing and Cyrus Moreing, are copartners, with their principal place of business at Peters.

By complaint filed October 16, 1925, and as amended, it is alleged that at various times during the months of July and August, 1923, carload shipments of crushed rock were forwarded from Dwight to Peters; that the shipments were moved via The Atchison, Topeka and Santa Fe Railway Company to Stockton, thence Southern Pacific Company; that the freight charges were originally collected from Moreing and Moreing at rate of $1.02 per ton; that about February 11, 1925, the Southern Pacific Company collected from complainant, Hutchinson Company, Inc., who was the consignor, undercharge freight bills increasing the rate to $1.10; that at the time of shipment there was in effect from Dwight to Peters a rate of $1.02 when the movement was via The Atchison, Topeka and Santa Fe Railway Company to Oakland, thence via the Southern Pacific to Peters; that the rate of $1.10 charged and collected was excessive, unjust, unreasonable and unduly discriminatory to the extent it exceeded the rate of $1.02 in effect via the longer route, Atchison, Topeka and Santa Fe Railway to Oakland thence Southern Pacific Company to Peters.

Reparation only is sought. Rates will be stated in cents per ton of 2000 pounds.

A public hearing was held in San Francisco January 14, 1926, and the case having been submitted is now ready for our opinion and order.

The defendants, Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, will be hereafter referred to as the Southern Pacific and the Santa Fe respectively.

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Dwight is on the Oakland branch of the Santa Fe, 6 miles south of Oakland (Fortieth street); Peters is a station on the Oakdale branch of the Southern Pacific, 13 miles south of Stockton. The distance from Dwight to Peters via the Santa Fe from Dwight to Stockton, thence Southern Pacific to Peters is 86 miles, made up 73 miles Dwight to Stockton and 13 miles to destination. The distance from Dwight to Peters via the Santa Fe to Oakland, thence Southern Pacific, is 104 miles, being 6 miles from Dwight to Oakland (Emeryville) and 98 miles from Oakland to Peters. At the time the shipments moved there were two rates in effect, $1.02 when routed over the long line of 104 miles via the Santa Fe to Oakland, the other $1.10 when routed the short line via the Santa Fe to Stockton. Here is an unusual rate situation where the lawfully published rate of a two-line movement of 104 miles is $1.02 as compared with a rate of $1.10 for a short line of 86 miles; in other words, between the same points the rate is 8 cents greater over the route where the distance is 18 miles less. The charges were originally assessed on the basis of $1.02 and the freight bills were paid by consignees at the time of delivery in July, August and September, 1923. Almost two years after completion of the transactions defendants discovered that the shipments having moved via the Santa Fe to Oakland, thence via the Southern Pacific to Peters, the legal rate was $1.10, and undercharge bills were presented. Efforts to collect from the copartnership of Moreing and Moreing, the consignees, were unsuccessful and the amounts were finally paid by the complainant, Hutchinson Company, who was the consignor.

Complainant in its testimony makes reference to informal reparation docket (I. C. 29311), a parallel proceeding, involving shipments of crushed rock from Eliot, on the Southern Pacific, to Harte on the Western Pacific, routed Southern Pacific, Stockton, via which route the legal rate was 90 cents. The shipments could have moved via the Southern Pacific to Lyoth, thence Western Pacific to Harte, at a rate of 80 cents. In this situation the Southern Pacific admitted the unreasonableness of the charge because of the route the shipments moved and secured authority on the informal docket to refund to the basis of 80 cents via the Lyoth route, over which the rate was subsequently established.

It is alleged the defendants herein should have accorded this complainant the same kind of an adjustment as was given in the case of the crushed rock shipments moving from Eliot to Harte.

Defendants introduced testimony to the effect that the rate of $1.02 sought by the complainant, applicable on traffic moving from Dwight to Oakland via the Santa Fe, thence via the Southern Pacific to Peters, was depressed, established in 1917 to enable the Santa Fe to reach exclusive Southern Pacific points and that the Santa Fe accepted a

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low division as its portion of the through rate in order to obtain access to particular territory. The rate, however, was not materially lower than the customary crushed rock mileage scale for a two-line movement when primarily established to meet water and market competition. Effective September 1, 1923, the rate Dwight to Peters via the Santa Fe to Stockton was reduced to $1, therefore a rate for the future is not now in issue.

Complainant introduced at the hearing as its Exhibit No. 2 the bills of lading covering the shipments and these documents show, under the caption routing "Via the Southern Pacific Railway, Stockton," and since the shipments must pass through Stockton to reach Peters they contend it was incumbent upon defendants to have forwarded the shipments to Stockton via the route providing the lowest rate.

It is fundamental in proceedings of this kind, where the routing instructions carried on the bill of lading are incomplete and where the carrier may select one of two routes that the obligation rests with the initial carrier to forward the shipment over the cheapest route consistent with the routing instructions and in this situation it would appear that the Santa Fe should have forwarded these shipments via Oakland at the rate of $1.02 instead of via Stockton at the rate of $1.10, and it is also apparent from this record that the agent issuing the bills of lading at Dwight and the agent making the freight bills at Peters were under the impression that the movement through Stockton had been via the low-rated line, Dwight-Oakland-Stockton, instead of Dwight-Stockton direct. It is also apparent that the rate of $1.10 Dwight to Peters via Stockton direct, 86 miles, is excessive when compared with the rate of $1.02 Dwight via Oakland and Stockton, 104 miles.

Upon consideration of all the facts of record we are of the opinion and so find that the rate of $1.10 assessed via the short route was excessive, unreasonable and discriminatory to the extent it exceeded the rate of $1.02 applicable via the longer route between the same points upon two grounds, first that the incomplete routing instructions obligated the initial carrier to forward via the low-rated line and second upon a comparison of the rate of $1.10 for 86 miles with the rate of $1.02 for 104 miles. We further find that complainant, Hutchinson Company, Inc., made the shipments of approximately 120 cars of crushed rock from Dwight to Peters, that it paid and bore the excess charges and that it has been damaged to the amout of the difference between the charges paid and those that would have accrued at the rate of $1.02 herein found reasonable and is entitled to reparation, with interest, on all such shipments. The amount of reparation due can not be determined on this record; complainant should submit to

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defendants a statement of the shipments made and should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to this Commission for further attention and the entry of a supplemental order should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the defendants, Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, according as they participated in the transportation, be and they hereby are authorized and directed to refund to complainant, Hutchinson Company, Inc., all charges they may have collected, with interest, in excess of $1.02 per ton for the transportation of crushed rock involved in this proceeding moving during the months of July and August, 1923, from Dwight to Peters, against which the undercharge bills were paid in February, 1925.

Dated at San Francisco, California, this sixteenth day of April, 1926.

DECISION No. 16497.

T. H. WRIGHT, DOING BUSINESS UNDER THE FICTITIOUS NAME OF T. H. WRIGHT MERCANTILE COMPANY,

vs.

TRONA RAILWAY COMPANY.

Case No. 2183.

Decided April 16, 1926.

RATES—STEAM RAILROAD—USED RAILS.—Finding that the rate assessed of 20 cents per 100 pounds is not excessive for the transportation of used iron and steel rails from Searles to Magnesium, the complaint is dismissed.

Glensor, Clewe, Van Dine and Turcotte, by *F. W. Turcotte*, and *B. H. Carmichael*, for Complainant.

O. W. Tuckwood, S. W. Austin and *D. E. Staley*, for Defendant.

BY THE COMMISSION.

OPINION.

Complainant, T. H. Wright, doing business under the fictitious name of T. H. Wright Mercantile Company, is engaged in the general contracting and construction business and alleges, by complaint duly filed, that rate of 20 cents per 100 pounds, minimum carload weight 80,000 pounds, assessed and collected by defendant on 18 carloads of secondhand iron or steel rails and fastenings moved from Searles to

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Magnesium during the period February 3, 1923, to December 5, 1923, was excessive, unjust and unreasonable and in violation of section 13 of the Public Utilities Act to the extent such rate exceeded, or for the future will exceed, 7½ cents per 100 pounds. It is further alleged that the minimum weight of 80,000 pounds applied to cars S. P. 40668, N. P. 65750 and Penn. 946404, was excessive, unjust and unreasonable to the extent it exceeded the capacity of the cars furnished. Just and reasonable rates for the future and reparation are asked.

The statute of limitations was tolled on the shipments in question by registration of the claims with this Commission February 4, 1925, under Informal Complaint Docket No. 26635.

The Trona Railway is owned by the American Trona Corporation, hereinafter referred to as the Trona Corporation, and extends from Searles to Trona, a distance of 31 miles. It was constructed during the year 1913 by the Trona Corporation primarily for the purpose of transporting the commercial products of that company from the Searles Lake district; the grades are undulating, but favor the load from Searles to Trona. Magnesium is 24 miles from Searles. Traffic is extremely light, the main source of revenue being derived from the outbound movement of borax, salt and potash furnished principally by the Trona Corporation. At one time some outbound tonnage was developed by other plants located at West End, a point four miles south of Trona, and from Borosolvay, a point two miles south of Trona, but those plants have either suspended operation or have been dismantled. The territory served is a desert country, sparsely populated, with the people almost entirely concentrated at Trona, and if the Trona Corporation should discontinue it would necessitate the abandonment of the railway, for the corporation traffic represents practically the only source of revenue.

Complainant compares the rate of 20 cents assessed and collected with the rates on borax, salt and potash from Trona to points in southern California and with the rates on crude oil and crushed rock from southern California to points on the Trona Railway. The comparison of these rates is for distances greater than between Searles and Magnesium and while indicating lower rates per ton per mile than applied to the shipments here in question, they are on commodities generally classified lower than steel rails, iron and steel articles. Comparison is also made with the rates applying to iron and steel articles in northern California via the Southern Pacific, Atchison, Topeka and Santa Fe and Western Pacific, but such rates in many instances reflect the influence of water competition or are in territory where conditions are entirely dissimilar to those served by the Trona Railway.

The reasonableness of the class rates between points on the Trona

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Railway, or between southern California points, are not in question, but defendant offered in evidence exhibits indicating the percentage relationship between the commodity rate here assessed and the applicable fifth class rate, also the percentage relationship between published commodity rates on iron and steel articles and the applicable fifth class rates between points in southern California on the Southern Pacific, Los Angeles and Salt Lake Railroad and Pacific Electric Railway. The commodity rates on steel rails or iron and steel articles, either in this or the other territories, are not established on any given percentage of the applicable class rates, but the exhibits indicate that the relationship between the class rate and the commodity rate on the Trona Railway compares favorably with the relationship existing between the class rates and the commodity rates offered as a comparison. A comparison is also made by defendant of the rate assessed with the rates on steel rails applicable between points on the Southern Pacific (Keeler Branch), and between points in Nevada, for distances approximating those here under consideration. These rates are mostly class rates and are higher for similar hauls in a territory also sparsely populated, where the traffic is light and the conditions very similar to those of this defendant.

Defendant's Exhibit No. 3, consisting of 24 pages, gives complete details of its property investment, the revenues and expenses, the tonnage and traffic conditions and, also, in the same exhibit, comparisons with certain other short line railroads operating within the State of California.

As of October 31, 1925, applicant had a claimed total property investment of $673,116.11, and for the 10 months period of 1925 a net railway operating income of $9,611.40, equal to 1.70 per cent. It will be unnecessary to go into extensive statistical details and it is sufficient to say that the rate of return on the book value of the property in 1920 was 5.18; in 1922, 1.61; in 1923, 5.59; in 1924, 4.34 per cent. In the year 1921 the net railway operating income showed a deficit of $25,210.42. The defendant has a funded debt of $475,000, with an annual interest charge of approximately $24,000. During the years 1921–22 the net railway operating income was insufficient to meet the interest on funded debt. The total tonnage originated and received was 79,915 tons in 1920; 29,652 in 1921; 54,422 in 1922; 101,786 in 1923, and 115,105 in 1924. In 1924 approximately 95 per cent of this tonnage was either the products of the Trona Corporation or materials and supplies used by that corporation.

From the record before us it is clear that the revenue secured from the traffic, consisting almost entirely of freight, has not in the past and is not now sufficient to afford a reasonable profit to the owners

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of the property. The railroad was built, as heretofore stated, primarily as a plant facility for the parent corporation and to only a limited extent is it a common carrier.

Complainant calls attention to the low commodity rates in effect to the consuming markets and argues that these rates should measure the volume of the rates to be assessed for shipments of iron and steel rails involved in this proceeding. We have given full consideration to this contention, but the adjustment referred to is only illustrative of a common practice in railroad rate making of charging higher rates where the traffic is occasional and limited in volume. When tonnage must move into a competitive consuming market, transportation companies are of necessity required to put in rates less than normal, otherwise they would secure none of the traffic, and this is particularly true in connection with the transportation of borax, salt and potash forwarded from the points on the Trona Railway.

Defendant contends that under the conditions existing, its management has practiced every possible economy and during the past few years has deferred necessary maintenance in order to reduce operating expenses, that the uncertain future of the mineral industry, and failure in the past to realize the proper return upon investment amply demonstrate that the present rates are not excessive.

Complainant calls particular attention to the fact that cars S. P. 40668, N. P. 65750 and Penn. 946404 could not be loaded to the tariff minimum of 80,000 pounds. The statement attached to the application shows, however, that in each case the charges were assessed on the basis of the actual weight only. Car S. P. 40668 had a carrying capacity of 100,000 pounds and no testimony was presented nor proof given why this car was not loaded to 80,000 pounds, nor is there any testimony to explain why small cars were accepted in view of the tariff provision.

After consideration of all the facts in connection with the financial, traffic and operating elements in this case, we are of the opinion and find that the rate of 20 cents, with minimum of 80,000 pounds, is not excessive or unreasonable, and that the case should be dismissed.

ORDER.

This case being at issue upon complaint and answer on file, having been duly heard and submitted by the parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and conclusions contained in the opinion, which opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the said complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this sixteenth day of April, 1926.

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DECISION No. 16498.

O. A. BLETHAN, PRESTON DAVIS, E. H. STENINGER, G. A. MOORE ET AL.

vs.

THE SHERMAN WATER COMPANY.

Case No. 2194.

Decided April 16, 1926.

RATES—INADEQUATE SERVICE—WATER UTILITY.—Defendant ordered to file plans within 20 days for improvement of the service that will assure adequate pressure at all times, such improvements to be completed before May 31, 1926.

O. A. Blethan, for Complainants.
Ed Fletcher, for Defendant.

BY THE COMMISSION.

OPINION.

This is a complaint filed by more than twenty-five consumers against the Sherman Water Company, a corporation, a public utility serving water for domestic and commercial purposes in and near the town of Sherman, Los Angeles County. The complaint alleges in effect that the rates charged by defendant water company are exorbitant and that the so-called sliding scale of rates is intended to deceive all of defendant's customers; that defendant turns off the water from its mains at the wells late in the evening and thereby allows the water to syphon out of said mains for the express purpose of filling said mains with air so that when the water is turned on in the early morning the air in said mains will and does cause the water meters to register very rapidly before water reaches the faucets, thereby causing consumers to pay large sums of money for which no value is received. It is further alleged that in many streets the defendant's water mains are too small, have in many cases rusted out, and that there are many dead ends on the system that have not been provided with hydrants for flushing out the mains; and that in many of the streets the pressure is not sufficient to sprinkle lawns to any advantage. In addition to the above matters complained of it is further alleged that defendant grants special prices to some consumers and has practically no uniform rates or prices for water.

By way of answer defendant enters a general denial of the essential allegations set out in the complaint herein, except that it admits that the pipe line in Harratt street is inadequate in size and that the water pressure at the upper end of the Hammond street main is unsatisfactory in the summer months during the hours of maximum demand. By way of defense it is alleged that the rates charged by the company were fixed by the Railroad Commission and have not been altered in any way; that the only time water is ever shut off on the system is for

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emergency repairs, which did not occur more than three times during the past year in that section of the town of Sherman wherein complainants reside. It is further alleged that it is the intention of defendant company to continue the replacement of such of its older water mains as are inadequate with larger pipe as rapidly as the finances of the company will permit.

A public hearing in this matter was held before Examiner Williams at Los Angeles, after all interested parties had been duly notified and given an opportunity to appear and be heard.

The rates now in effect on this system were fixed by this Commission in its Decision No. 9435, dated August 30, 1921, as a result of an application filed by one P. T. Durfy, then the owner of the company, and are as follows:

Monthly flat rate	$1 25
Monthly meter rate—	
Service charge for each meter in use:	
⅝-inch and ¾-inch meters	$0 50
1 -inch meter	75
1½-inch meter	1 00
2 -inch meter	1 25
3 -inch meter	1 50
4 -inch meter	2 50
Unit price for water used:	
0 to 400 cubic feet, per 100 cubic feet	$0 20
400 to 10000 cubic feet, per 100 cubic feet	13
Over 10000 cubic feet, per 100 cubic feet	12

The present owner of the controlling interest in the Sherman Water Company, a corporation, is Mr. Ed Fletcher, who purchased a portion of the system from W. P. Cunningham and F. B. R. Cunningham, authorized by the Commission in its Decision No. 12805, dated November 8, 1923. Later, Mr. Fletcher, doing business under the firm name and style of Sherman Water Company, was authorized in Decision No. 14565, dated February 14, 1925, to transfer to the Sherman Water Company, a corporation, the public utility property described in his application, No. 10614.

An investigation of conditions existing on this system was made by F. H. Van Hoesen, one of the Commission's hydraulic engineers, who presented a report indicating that service conditions were unsatisfactory on certain portions of the system. An analysis of the operating and maintenance expenses, taken in conjunction with the capital invested as set out in this report, indicates that while the defendant company is on a sound financial basis it is not earning from its present rates an unreasonable or unfair return. As a matter of fact the testimony of the complainants and other consumers present at the hearing showed that there was not so much objection to the rates, which are lower than those charged by many other utilities operating in

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the general vicinity, as dissatisfaction with the water service, especially in higher portions of the system. While this company has made considerable improvements in the system since it acquired control thereof, yet the evidence is conclusive that certain sections of the system do not deliver the standard of uninterrupted and continuous water service to which the consumers are entitled, both day and night, throughout the entire year.

Although defendant contends that by reason of certain proposed sewer projects and street paving improvements it has been delayed and placed at a disadvantage in installing larger mains in the districts where service conditions are poor, nevertheless the Commission is of the opinion that immediate steps should be taken by defendant to remedy the poor and inadequate service conditions which exist on certain portions of its system. In order that the consumers may be assured proper service during the coming summer, these improvements should be completed on or before the thirty-first of May, 1926.

There was no evidence introduced which would substantiate the allegations in the complaint that the company has charged any rates for water service rendered other than those rates fixed by the Commission, or that there has been any unfair discrimination shown in charging said rates or in the adjustment of disputed bills. In this connection it might be well to note that in the settlement of disputes arising over the correctness of water bills, slight differences in facts and conditions not always apparent at first sight frequently alter to a considerable extent the final adjustment.

The service charge type of structure as in effect on this system, although more modern and scientific as well as more fair and equitable to the average water user than the standard monthly minimum form of rate generally used, frequently causes misunderstandings to arise among consumers not familiar with its application. For this reason extra effort should be made by a utility having this form of rate structure to explain its methods of functioning to any of its consumers who desire such information.

As to the other matters alleged in the complaint, no evidence was presented which would warrant a finding therein, and as to such matters the complaint herein should be dismissed.

ORDER.

Complaint having been made against Sherman Water Company as entitled above, a public hearing having been held thereon, the matter having been duly submitted and the Commission being now fully informed thereon;

It is hereby ordered, that Sherman Water Company, a corporation, be and it is hereby directed to file within twenty days from the date

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of this order, with this Commission, for its approval, detailed plans for the installation of such improvements to its distribution system as will enable said company to provide an adequate water supply at reasonable pressures to all of its consumers throughout the entire year, such improvements to be completed and in proper operation on or before the thirty-first day of May, 1926.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this sixteenth day of April, 1926.

DECISION No. 16522.

IN THE MATTER OF THE APPLICATION OF WESTLAND DISTRIBUTION AND STORAGE WAREHOUSE COMPANY FOR A REVISION OF ITS TARIFF IN CERTAIN PARTICULARS.

Application No. 12502.

Decided April 17, 1926.

RATES—WAREHOUSE UTILITY—AUTOMOBILE UNLOADING.—Finding that the service involved is under the Commission's jurisdiction, the application to cancel rates for such service, and to collect current rates ordinarily prevailing at the time of service, is denied.

LeRoy Edwards, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by the Westland Distribution and Storage Warehouse Company, a corporation, for authority to cancel under section 63 of the Public Utilities Act the following items published in Warehouse Tariff No. 2, C. R. C. No. 2:

A charge of $1.25 per automobile will be made for unloading.

and

Automobiles 12 feet in length or less will be unloaded for $1.00 each.

It is proposed to publish in lieu of these items the following:

Unloading cars—at regular rates of unloading companies.

A public hearing was held at Los Angeles before Examiner Geary on February 25, 1926, and the matter having been duly submitted is ready for an opinion and order.

Applicant maintains that the service of loading or unloading automobiles is not an essential warehouse service and, therefore, not under the jurisdiction of the Railroad Commission.

The Public Utilities Act, section 2 (*aa*), reads as follows:

The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure

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in which property is regularly stored for compensation within this state, in connection with or to facilitate the *transportation of property by a common carrier or vessel, or the loading or unloading of the same*, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

Section 14 (*b*) reads:

Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. * * *

By the provisions of section 2 (*aa*) a warehouseman becomes a public utility when property is regularly accepted and stored for compensation in connection with or to facilitate its transportation, and under the provisions of section 14 (*b*) schedules of rates must be printed and filed with the Commission, including those granting privileges and facilities in any manner related to the rates.

We conclude and find that the service of loading or unloading automobiles in connection with the storage of the vehicles in a public warehouse when the service is incidental to or to facilitate the transportation of the property, is a public utility obligation and that the charges for such service must be contained in tariffs on file with this Commission.

The testimony introduced in support of the volume of the rate was very limited and mainly to the effect that many of the public utility warehouses doing business in the city of Los Angeles do not publish specific charges for the loading or unloading of automobiles; also that parties performing the service and not under the jurisdiction of this Commission assess charges as low as 50 and 75 cents per machine. These charges, however, appear in most instances to have been assessed where the automobiles do not pass into public utility warehouses for storage.

Upon the findings made as to the jurisdiction, this application will be dismissed without prejudice. If applicant concludes the present charges do not meet the situation a new proceeding may be instituted.

ORDER.

A public hearing having been held, testimony submitted, and the Commission being fully advised;

It is hereby ordered, that the above entitled application be and the same is hereby denied.

Dated at San Francisco, California, this seventeenth day of April, 1926.

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DECISION No. 16523.

IN THE MATTER OF THE APPLICATION OF J. D. HEISKELL AND COMPANY, INCORPORATED, FOR PERMISSION TO ISSUE SEVEN HUNDRED FIFTY SHARES OF STOCK OF SAID COMPANY AT A PAR VALUE OF ONE HUNDRED DOLLARS PER SHARE.

Application No. 12655.

Decided April 17, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

J. D. Heiskell, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing J. D. Heiskell and Company, Incorporated, to issue 750 shares of common stock of the aggregate par value of $75,000 and to deliver 500 shares thereof in payment for the properties of Heiskell and Bulock, a copartnership, and 250 shares, at par, for cash.

Records on file in the Commission's office show that on June 1, 1912, J. D. Heiskell and A. Bulock formed a copartnership, under the name of Heiskell and Bulock, for the purpose of conducting a grain and warehouse business in Tulare. During 1925 Mr. Bulock retired from the copartnership and thereafter, on or about April 25, 1925, Mr. Heiskell caused the organization of J. D. Heiskell and Company, Incorporated, a corporation, for the purpose of receiving and operating the business and the property theretofore owned and operated by the copartnership.

The transfer, it appears, took place as of May 31, 1925. As of that date the assets and liabilities of the business were reported as follows:

Assets.

Fixed capital	$29,968 29
Autos and trucks	776 83
Cash	13,760 88
Bills receivable	33,920 23
Accounts receivable	29,531 75
Inventories, stock on hand	42,797 17
Suspense	233 59
Total assets	$150,988 74

Liabilities.

Bills payable	$24,500 00
Accounts payable	60,348 49
Reserves for bad debts and depreciation	13,016 38
Profit and loss	3,123 87
Balance, capital	50,000 00
Total liabilities	$150,988 74

The corporation issued $50,000 of stock under a permit granted by the Commissioner of Corporations in payment in part for the business

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and properties. Thereafter, upon the construction of a cotton gin, for $20,910.89, additional stock to the amount of $25,000 was issued for cash at par to provide working capital, this stock also being issued under permission granted by the Commissioner of Corporations.

According to the application, J. D. Heiskell and Company, Incorporated, is engaged in operating a cotton gin and a public utility warehouse, known as the Farmers Union Warehouse, and in buying and selling cotton and cotton seed and grain and feed, the bulk of its business being of a nonpublic utility nature. However, because a portion of the company's business is of a public utility nature, we believe that the issue of the company's stock should be authorized by the Railroad Commission. It clearly appears that the corporation was unaware of the necessity of securing the approval of the Railroad Commission and that it issued its stock, without such approval, through inadvertence, and no intent to evade the provision of any act. As soon as this matter was brought to the company's attention, it filed the present application for permission to issue stock to pay for the properties and business it operates and to provide working capital.

ORDER.

J. D. Heiskell and Company, Incorporated, having applied to the Railroad Commission for permission to issue 750 shares of stock, and the Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that the application should be granted as herein provided; and that the money, property or labor to be procured or paid for through the issue of stock herein authorized is reasonably required by applicant;

It is hereby ordered, that J. D. Heiskell and Company, Incorporated, be and it is hereby authorized to issue 750 shares of its common capital stock of the aggregate par value of $75,000 and to deliver 500 shares thereof in payment of the properties and business of Heiskell and Bulock, or sell said 500 shares of stock at not less than par for cash, and use the proceeds to pay for said properties, to which reference is made in the foregoing opinion, and to sell the remaining 250 shares at par for cash to provide working capital and pay indebtedness.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file within thirty days thereafter a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventeenth day of April, 1926.

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DECISION No. 16548.

IN THE MATTER OF THE APPLICATION OF HUNT-HATCH AND COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF PROPERTY FOR COMPENSATION BETWEEN POINTS ON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 12741.

Decided April 23, 1926.

CERTIFICATE—CARRIER BY WATER—INLAND WATERS.—Application granted.

Sanborn and Roehl and De Lancey C. Smith, by *A. B. Roehl*, for Applicant.
H. M. Wade and *Gwyn H. Baker*, for Berkeley Transportation Company; Bay Cities Transportation Company; E. V. Rideout Company; Harbor Tug and Barge Company; Richmond Navigation and Improvement Company; San Rafael Freight and Transfer Company; Ayres-Whiteside Transportation Company, and Erikson Navigation Company.
Benjamin J. Walters, for Island Transportation Company.
L. H. Rodebaugh, for San Francisco-Sacramento Railroad.

BY THE COMMISSION.

OPINION.

This is an application filed by Hunt-Hatch & Company, a corporation, under the provisions of paragraph (*d*), section 50, of the Public Utilities Act for a certificate of public convenience and necessity authorizing the operation of vessels for the transportation of property, for compensation, between Berkeley on the one hand and on the other points on the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers and the tributaries thereof.

The petition shows that applicant now owns and operates a fleet of vessels for the transportation of property between landings on the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers and the tributaries thereof, and Oakland, Alameda and other points in the Oakland estuary under rates contained in its Transportation Department Local Freight Tariff No. 7, C. R. C. No. 39.

The freight rates and charges to be assessed for the transportation of freight from and to Berkeley will be the same as those now in effect from or to Oakland.

A public hearing was held before Examiner Geary at San Francisco, April 20, 1926, and the application having been duly submitted is now ready for a decision.

Applicant has conducted a common carrier service on the inland waters of California for a number of years, handling principally products of the farm. The testimony indicates that due to the growth and development of the city of Berkeley and the territory adjacent thereto, a demand has been made by shippers, principally commission merchants handling farm products, for a more direct service from and to Berkeley. At the present time Berkeley shippers wishing to utilize

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applicant's service are compelled to dray the freight from or to Oakland. It is alleged that the proposed direct service will meet a public convenience and necessity by enabling merchants at Berkeley to receive products early in the morning and thus avoid the long hauls from and to Oakland.

Upon consideration of all the facts of record, we are of the opinion and find that public convenience and necessity require the establishment of this service between Berkeley on the one hand and on the other points on the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers and tributaries thereof, as set forth in the petition, and that a certificate should be granted.

ORDER.

A public hearing having been held in the above entitled proceeding, the case having been duly submitted and now ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by applicant, Hunt-Hatch & Company, a corporation, of vessels for the transportation of property, for compensation, upon the inland waters of the State of California between Berkeley on the one hand and on the other points on the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers and the tributaries thereof.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted, subject to the following conditions:

Applicant shall file tariffs according to the rules of this Commission setting forth the rates, rules and regulations governing the transportation of property which shall be those now in effect between points on the Sacramento, San Joaquin, Mokelumne, Old and Middle rivers and tributaries thereof on the one hand, and Oakland on the other, as set forth in Hunt-Hatch & Company's Transportation Department Local Freight Tariff No. 7, C. R. C. No. 39.

Dated at San Francisco, California, this twenty-third day of April, 1926.

DECISION No. 16557.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE AND SELL TO THE NATIONAL CITY COMPANY (A NEW YORK CORPORATION) TEN MILLION DOLLARS FACE AMOUNT OF APPLICANT'S FIRST AND REFUNDING MORTGAGE GOLD BONDS OF SERIES "D."

Application No. 12778.

Decided April 26, 1926.

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SECURITIES—BONDS—TO ISSUE.—Application of Pacific Gas and Electric Company to issue and sell $10,000,000 of first and refunding mortgage gold bonds of Series "D," granted.

Chas. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Gas and Electric Company asks permission to issue and sell, at not less than 94½ per cent of their face value and accrued interest, $10,000,000 of Series "D" first and refunding mortgage 5 per cent bonds due June 1, 1955, and use the proceeds obtained from the sale of such bonds for the purposes hereinafter indicated.

Applicant refers to and incorporates in this application its Application No. 12196 filed with the Commission on December 3, 1925. In that application it appears that as of September 30, 1925, Pacific Gas and Electric Company and Mount Shasta Power Corporation had actual and estimated capital expenditures amounting to $26,875,925.74, against which the Commission had not authorized the issue of stock, bonds, notes or other evidences of indebtedness, except as hereinafter noted.

The $26,875,925.74 is summarized as follows:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mount Shasta Power Corporation (Exhibit "B," Application No. 12192)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925, by Pacific Gas and Electric Company (Exhibit "C," Application No. 12192)	8,342,091 11
Estimated cost of new construction, Pacific Gas and Electric Company for 1925 and 1926 (Exhibit "D," Application No. 12192)	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925, by Mount Shasta Power Corporation (Exhibit "E," Application No. 12192)	2,419,504 37
Total	$26,875,925 74

To enable applicant to finance in part the foregoing actual or estimated expenditures, the Commission has by Decision No. 15758, dated December 16, 1925, in Application No. 12192, authorized applicant to use $464,105.40 obtained from the sale of stock, the issue of which was theretofore authorized by the Commission. To further finance its construction expenditures referred to herein, the Commission by Decision No. 15782, dated December 21, 1925, in Application No. 12261, authorized applicant to issue $2,500,000 of preferred stock; by Decision No. 15874, dated January 19, 1926, in Application No. 12277, $5,000,000 of its common stock; by Decision No. 15895, dated January 23, 1926, in Application No. 12413, $2,500,000 of preferred stock; and by Decision No. 16473, dated April 12, 1926, in Application No. 12714, $5,000,000 of preferred stock.

Pacific Gas and Electric Company in its Exhibit No. 1 reports that up to March 31, 1926, it received from the sale of stock $7,025,163.36

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which, under the Commission's decisions, was available to finance in part the actual or estimated expenditures of $26,875,925.74. Deducting the $7,025,163.36 from the $26,875,925.74 leaves a balance of $19,850,762.38. Applicant in its Exhibit No. 1 further shows $479,297.42 due on first preferred stock subscriptions, $121,221.37 due on common stock subscriptions and $2,707,100 of common and $5,000,000 of first preferred stock authorized to be issued by the Commission but not yet sold. Applicant believes that it can sell the common stock at par and the preferred stock at not less than $98 per share. If sold at such prices, applicant will realize from the sale thereof $7,607,100, which, added to the balance ($600,518.79) due on stock subscriptions, amounts to $8,207,618.79. Deducting the $8,207,618.79 from the $19,850,762.38 leaves a remainder of $11,643,143.59 of actual or estimated expenditures, against which the Commission has not authorized the issue of stock or bonds or other evidences of indebtededness.

Applicant asks permission to issue and sell, at not less than 94½ per cent of their face value and accrued interest, $10,000,000 of its Series "D" first and refunding 5 per cent bonds, and use the proceeds obtained from the sale of such bonds to pay in part the cost of extensions, additions, betterments and improvements to its facilities and to those of Mount Shasta Power Corporation described in exhibits "B," "C," "D" and "E" attached to Application No. 12192. The company has sold the bonds, subject to their issue being authorized by the Commission, to the National City Company at 94½ and accrued interest. The agreement of sale provides that if the bonds are offered to the public at a price in excess of 98 the Pacific Gas and Electric Company shall receive an additional amount equal to one-half of the difference between 98 and the offering price to the public.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to issue $10,000,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purposes specified in this order, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided; therefore,

It is hereby ordered, that the Pacific Gas and Electric Company be and it is hereby authorized to issue and sell on or before December 31, 1926, at not less than 94½ per cent of their face value and accrued interest, $10,000,000 of its Series "D" 5 per cent first and refunding

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mortgage bonds due June 1, 1955; and use the proceeds, other than accrued interest, to pay in part such cost of the extensions, additions, betterments and improvements to its facilities and to those of Mount Shasta Power Corporation, described in Exhibits "B," "C," "D" and "E," filed in Application No. 12192, as is properly chargeable to fixed capital account, under the uniform system of accounts prescribed and adopted by this Commission. The accrued interest may be used for general corporate purposes.

It is hereby further ordered, that the authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $5,500, and that applicant shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16558.

IN THE MATTER OF THE APPLICATION OF ROBERT D. WADE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE FREIGHT SERVICE BETWEEN ESCONDIDO, OCEANSIDE AND CARLSBAD AND LOS ANGELES.

Application No. 11101.

Decided April 26, 1926.

CERTIFICATE—AUTO TRUCKS—PUBLIC NECESSITY.—There being no affirmative showing of public necessity the application is denied.

A. R. Honnold, for Applicant.
H. J. Bischoff, for Coast Truck Line, Protestant.
W. F. Brooks, for The Atchison, Topeka and Santa Fe Railway, Protestant.
H. R. Harnish, for Boulevard Express, Protestant.

BY THE COMMISSION.

OPINION.

Robert D. Wade has made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between Escondido, Oceanside and Carlsbad and Los Angeles.

A public hearing herein was conducted by Examiner Williams at Escondido.

Applicant proposes the establishment of a truck freight service between Escondido, Oceanside and Carlsbad and Los Angeles, for the transportation of eggs, live poultry and general freight. He proposes, as equipment for the service, one 2½-ton motor truck with pneumatic

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tires, and offers three schedules weekly between termini. By his Exhibit "A" applicant proposes a rate of 35 cents per case on eggs, with free return of empty cases, 60 cents per 100 pounds on first-class freight and 40 cents on second-class freight, between Escondido, Oceanside and Carlsbad and Los Angeles, and special rates for vegetables, shorter distances, and for truck loads.

Applicant testified that he began the transportation of eggs and live poultry to the Los Angeles market, and the return movement of poultry feed and supplies, in November, 1924, under the provisions of the so-called Crittenden amendment to the Auto Stage and Truck Transportation Act, which amendment was declared unconstitutional by the Supreme Court in April, 1925. Originally he gave service three times weekly, but after his operation was enjoined by the superior court of San Diego County he leased his truck to the Escondido Poultrymen's Association and continued operation as a driver. This lease (applicant's Exhibit No. 1) seems to be a true lease in character and not in violation of the injunction forbidding the operation established by applicant. In July, 1925, applicant became ill and underwent several operations, with the result that he was incapacitated for work for six months.

From May 11, 1925, until the date of hearing, the service established by applicant was continued under lease to the Poultrymen's Association by Julius C. Deggelman, manager of the association. According to his testimony, this association has approximately 200 members, producing from 125 to 175 cases of eggs weekly for shipment to Los Angeles. In addition, there is a return movement of 7 or 8 tons of poultry feed from Los Angeles. Mr. Deggelman testified that no property has been transported except from or to members of the association, and that only two trips weekly had been required. This witness further testified that in 1924 the association had sought to induce the Coast Truck Line, protestant herein, to reduce its rate of 45 cents per case, but had been unsuccessful, and in November, 1924, many of the members began patronizing applicant's service at a rate of 35 cents. Subsequently the Coast Truck Line reduced its rate to 35 cents and inaugurated pick-up service at the various poultry ranches offering consignments. At the time of hearing herein, the two services were in existence, operating on practically parallel lines and at the same rate.

As applicant produced no testimony in support of any public necessity for his service in transporting eggs and live poultry from Carlsbad and Oceanside to Los Angeles, or as to the need of general freight service between any points, consideration of the application may be limited wholly to the matter of public necessity for applicant's

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service in transporting eggs and live poultry from Escondido and its environs to Los Angeles.

Applicant was supported as to his offer of service not only by Mr. Deggelman of the Poultrymen's Association, but by P. E. Melbourne, Hosea C. High, Charles McDonald, C. W. Bozarth, W. F. Beven and A. Brem, all producers and shippers of eggs and all having from 1000 to 2000 hens. In substance, their testimony was that the service originally established by applicant had been satisfactory and that they had not been satisfied with the service of protestant Coast Truck Line.

This protestant produced as witnesses in its behalf E. A. Holbrook, Olan C. Hudson, William F. McCune, R. V. B. Lincoln, J. Roy Chafe, Dean Howell and J. F. Gerkin, all poultry producers of about the same character as applicant's witnesses and all equally positive that this protestant's service had been efficient and complaints satisfactorily adjusted. In addition, it was stipulated that twelve other witnesses present at the hearing, who were not egg shippers but who patronized protestant's sevice for shipment of other commodities, would testify that the service was efficient and the rates satisfactory.

It appears from the testimony herein that until within the last year protestant Coast Truck Line required the delivery of eggs to its depot at Escondido. This arrangement seems to have been unsatisfactory to the shippers, and the establishment of the Wade service, with pick-up at the ranches, was welcomed by many of them. After applicant's service had been established, the Coast Truck Line reduced its rates and began the free pick-up service which had previously been demanded by many of the shippers. In addition, this protestant is able to perform daily service in connection with its other freight business, while applicant proposes but three schedules weekly, and the testimony shows that the quantity of eggs offered through the Poultrymen's Association, which does not exceed 175 cases a week, justifies no more than two schedules. Considering that applicant's truck is specially constructed for the transportation of eggs and that the bed holds but 168 cases (as applicant testified), it is apparent that two trips have been made weekly to transport one truckload of eggs. On the other hand, protestant Coast Truck Line offers a daily service, and according to the testimony of R. C. McConnell, its manager, has abundant space in its vehicles for additional cargo, and will, if the offering of shipments is sufficient, establish a direct service for this class of business alone.

It may be pointed out also that the operation of applicant's truck from May 11 to December 31, 1925, was conducted at a loss. According to the figures presented by Mr. Deggelman (applicant's Exhibit No. 2), the gross revenue from all business during this period was $3,107.15, while the gross expense was $3,209.80, an accrued loss of $102.65. The

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expenses included rent of the truck at $30 per round trip, driver's wages at $15 a round trip and cargo insurance. No allowance is made for depreciation, return on the investment or management expense. In addition, Mr. Deggelman testified that there is due on the truck $2,290; to the Poultrymen's Association on chattel mortgage, $1,278; and that the original purchase note of $1,000, given by applicant's father, is still unpaid. A portion of the indebtedness secured by chattel mortgage on the truck was for repairs made to the truck during its operation under lease. Contrasted with this is proof by protestant Coast Truck Line that its daily service between Escondido and Los Angeles produces a gross revenue of about $1,350 per month, of which only $350 a month is contributed by the movement from Escondido to Los Angeles.

After a careful study of all the testimony produced by the parties hereto, we are convinced that it has not been established by applicant that his service is necessary for the transportation of eggs and live poultry between Escondido and Los Angeles, and also, it appears convincing that the operation he proposes can not be conducted profitably if limited to those commodities. There being no proof of public necessity to support the other service proposed by him, and there being affirmative proof of the adequacy and efficiency of protestant Coast Truck Line's service, we can but conclude that the application herein should be denied. In doing this we must remind the shippers of the position long held by this Commission, that multiplicity of services is not a remedy for inefficient service by existing carriers. While it has been shown that there was some dereliction on the part of protestant Coast Truck Line a year or more ago, the remedy which should have been applied was an appeal to this Commission to require this protestant to render adequate service. The volume of business offered for transportation by truck from Escondido and environs to Los Angeles, including all commodities, appears from the record herein to be insufficient to permit a division between two carriers with profit to either.

We therefore find as a fact, from the record herein, that applicant has not affirmatively shown public necessity for the service proposed by him, and that, therefore, his application should be denied. An order will be so entered.

ORDER.

Robert D. Wade having made application to the Railroad Commission for a certificate of public convenience and necessity to operate freight service between Escondido, Oceanside and Carlsbad and Los Angeles, a public hearing having been held, the matter having been duly submitted and now being ready for decision:

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The Railroad Commission of the State of California hereby declares that public convenience and necessity do not require the operation of freight service as proposed by applicant herein; and

It is hereby ordered, that the application herein be and the same hereby is denied.

The effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16561.

IN THE MATTER OF THE APPLICATION OF NORTHWESTERN PACIFIC RAILROAD COMPANY AND THE TOWN OF SAN ANSELMO, REQUESTING THE CLOSING OF THE FIRST GRADE CROSSING EAST OF SAN ANSELMO IN THE COUNTY OF MARIN, STATE OF CALIFORNIA.

Application No. 11892.

Decided April 26, 1926.

GRADE CROSSING—ELECTRIC RAILROAD—TO CLOSE—PEDESTRIAN CROSSING.—Northwestern Pacific Railroad Company authorized to close first grade crossing east of Main street in the town of San Anselmo, Marin County, conditioned upon establishing a crossing for pedestrians at engineer station 524+56.7, in said town.

E. T. Zook, for Northwestern Pacific Railroad Company.
Thos. P. Boyd, for August J. Land and R. A. Carey.
S. P. Whitwell, for Ross Valley Chamber of Commerce.
R. D. Box, for Ross Valley Chamber of Commerce.
E. S. Rake, for Grosjean & Company and Tamalpais Theatre.

BY THE COMMISSION.

OPINION.

The above entitled joint application of the Northwestern Pacific Railroad and the town of San Anselmo was filed on October 27, 1925. The Commission being of the opinion that a public hearing was not necessary in the proceeding, made its Decision No. 15706 therein on November 30, 1925, in which permission was granted the joint applicants to close the first crossing east of Main street in San Anselmo as requested in the application.

On December 15, 1925, a petition signed by a large number of property owners, protesting against the closing of the crossing, was filed with the Commission. Pursuant to instructions from the board of trustees, the town clerk filed a letter with the Commission requesting the establishment of a crossing for pedestrians at the site of the abandoned crossing. On the twenty-ninth day of December, 1925, the Commission made its order setting aside its order in Decision No. 15706, and reopened the matter for public hearing. Public hearing

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was held at San Anselmo on January 11, 1926, before Examiner Austin, at which time the matter was submitted.

The crossing involved herein is on the San Rafael line of the suburban electric system of the Northwestern Pacific Railroad Company and is located about 940 feet east of the main street crossing near San Anselmo station. The nearest public crossing toward San Rafael is located about 1150 feet east of the crossing under consideration. The railroad line from San Anselmo to San Rafael runs in an easterly and westerly direction and is paralleled on its north side by the San Rafael and Olema road, which is now a portion of the state highway, and on its south side by Greenfield avenue through San Anselmo and a portion of San Rafael.

It is expected that Greenfield avenue will ultimately be constructed as a through highway between San Rafael and San Anselmo. From the Main street crossing in San Anselmo to the first crossing east of the one covered by this proceeding, Greenfield avenue is adjacent to the railroad right of way. From the latter crossing through Highland into San Rafael, it is about 150 feet distant from the railroad. This roadway has only recently been paved and curbed and may ultimately take a considerable amount of traffic from the state highway. The first crossing east of the crossing under consideration is situated opposite the entrance of Sequoia drive into the state highway and serves as a crossing connecting Greenfield avenue with the state highway and with Sequoia drive and Park way. Park way and Sequoia drive are the two principal roads serving Sequoia Park No. 1, a residence district lying north of the state highway between these two crossings. Anchovista avenue, a rather steep road, only partially improved, enters the state highway from Sequoia Park No. 1 at a point about 350 feet east of the crossing recently closed. Anchovista avenue is approximately on the line between Sequoia Park No. 1 and the Anchovista tract. Anchovista tract is divided by Palm avenue, another steep road, into two portions. The easterly portion is largely devoted to the Anchovista Hotel and cottages and the westerly portion contains approximately eight residences. The Anchovista Hotel and cottages are also served by a short narrow lane called Spring lane.

Sequoia Park No. 2 is a residence section of approximately 75 homes lying north of the Anchovista tract and Sequoia Park No. 1. Automobile traffic into both Sequoia Park sections travels via Sequoia drive, which is the only well paved street entering the state highway from these two subdivisions.

Warren avenue enters the state highway from the west side of the Anchovista tract near the junction of the latter with Main street. Inspection shows that that portion of Warren avenue parallel with the

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state highway is a paper street. Improvement of Greenfield avenue has opened up considerable territory on the south side of the railroad for both residential and business property, giving access to San Rafael Heights, a subdivision near Highland, and Lincoln Park, a new subdivision near Main street. There are at least twenty-five residences in San Rafael Heights between the crossing of Ross Valley drive at Highland station and the crossing opposite Sequoia drive. Between the crossing under consideration and the first crossing east, opposite Sequoia drive, there are only four residences and one large furniture store, the latter recently constructed. Several store buildings have recently been erected along Greenfield avenue between Main street and Lincoln avenue. The lots from Lincoln avenue to the crossing under consideration are vacant at the present time but are classified or zoned as good business property. At least fifteen homes have already been constructed in Lincoln Park.

All of the subdivisions heretofore mentioned lie on rolling hills, except that the business portion of Lincoln Park is on level ground adjacent to the main highways. Certain sections of Sequoia Park No. 1 and the land to the east thereof have very high deep cuts facing on the state highway and these sections will probably not be improved for a very considerable period of time. A similar section of cut, 150 feet long, lies along the south side of Greenfield avenue between the furniture store and the crossing under consideration. West of this cut a small portion of the property zoned as business property is occupied by a creek bed and will be very expensive to improve. There are no sidewalks yet constructed along Greenfield avenue or along the state highway, except for certain small sections in front of a few of the residences on the north side of the highway.

A number of people residing in the Anchovista tract and in Sequoia Park No. 1 testified that it was very necessary for them to reach the business section in Lincoln Park facing on Main street and Greenfield avenue near Main. These residents claimed that traveling to this business section via the state highway and the Main street crossing is very hazardous, due to the heavy traffic on the highway and the lack of proper sidewalks. They preferred to use the crossing which has been closed and Greenfield avenue as the traffic is much lighter on that street, although it is also devoid of sidewalks.

Mr. Harvey E. Nelson, a furniture dealer who has recently established the large furniture store, previously mentioned, protested the closing of the crossing, claiming that he has a number of customers in Sequoia Park immediately opposite his store who use this crossing and in addition the closing of the crossing would tend to cause him to lose transient customers who might be traveling west on the state

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highway and who might change their minds about turning back after having proceeded approximately another 1000 feet to the next crossing west. Through travel to the east naturally would have passed the crossing recently abolished before they were aware of the existence of his store.

It would appear from the evidence that through traffic has small need for the crossing which has been closed, as through traffic would desire to continue on either the state highway or Greenfield avenue as far as possible before making a turn. This traffic would be amply served by the Main street crossing, the crossing opposite Sequoia drive, the Highland station crossing and crossings east thereof.

There does not appear to be more than a very local need for this crossing. The roads in San Rafael Heights lead either to the Highland station crossing or the crossing opposite Sequoia drive. Sequoia Park Subdivisions Nos. 1 and 2 must, by preference, use the Sequoia drive crossing in order to reach Greenfield avenue, on account of the very much superior condition of this street as compared to Anchovista avenue. It would appear, then, that the convenience and necessity of the closed crossing would be derived largely from requirements of pedestrians living on the north side of the highway desiring to reach Lincoln Park subdivision and the business houses therein and such local automobile use as might enter the state highway from the short steep minor roads entering it from the north. There may also be a small local use of this crossing by delivery wagons. However, as it is only 950 feet and 1150 feet to adjacent crossings to the west and east, this local use by automobiles would not appear to be greatly inconvenienced if forced to use these adjacent crossings, as the time required in reaching them and doubling back at speeds of from 15 to 20 miles per hour would vary approximately from 1½ to 2 minutes. This appears to be no greater inconvenience than is required in the average large city where no left turns are permitted on the main streets, thus requiring a driver to drive completely around the block.

The Commission is of the opinion that in general it is not in the public interest to allow the creation of a hazard, due to the construction of pedestrian crossing at grade, merely because the local property owners have failed to take steps to have proper sidewalk facilities installed along the main thoroughfares. However, in this particular instance, considerable inconvenience will probably be caused the residents on the north side of the state highway by lack of such a crossing pending the installation of proper sidewalks along that thoroughfare and under these conditions it appears reasonable to create a pedestrian crossing at this location pending the construction of such sidewalks. There does not appear to be sufficient need in this instance to reopen

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this crossing for vehicular traffic. In general, the elimination of crossings at grade tends to speed up train service which, in this instance, is in the interest of a large number of resident commuters. The hazard of accident at this point is also permanently eliminated.

Counsel for certain protestants in this proceeding contended that the Commission had no power to close the crossing under consideration, as this crossing, along with the others, was established by judgment of the superior court in and for the county of Marin, on March 21, 1906, in an action brought by Martin B. Magnesen, plaintiff, against the North Shore Railroad Company, defendant, predecessor in interest of the Northwestern Pacific Railroad Company. In this action the plaintiff alleged that the crossing in question had been established as a private crossing, pursuant to the terms of the right of way deed executed by one Patrick Hayes, former owner of the 150-acre tract adjacent to these crossings and on the south side of the railroad, to the North Pacific Coast Railroad Company, predecessor of the North Shore Railroad Company, the defendant in said action. By its judgment in this action, the court "ordered, adjudged and decreed that Martin B. Magnesen, the plaintiff, do have and recover of and from the North Shore Railroad Company, a corporation, said defendant, four (4) streets or crossings connecting his lands, situate, at its risk and expense, so as to leave each and all said specified streets or crossings entirely free and clear of said third rail; and that said defendant is hereby further perpetually enjoined, restrained and prohibited from interfering with plaintiff in opening up, establishing, laying out and maintaining each and all of the said four (4) streets or crossings, particularly hereinbefore specified, across the said defendant's right of way and in the manner stated as aforesaid, and from doing or permitting any act or acts so as to hinder or impede plaintiff, or occupiers of said lands of plaintiff, or purchasers or successors in interest of plaintiff, from or in the free and uninterrupted use and enjoyment of said four (4) streets or crossings, or any of them, for the purpose of crossings; that this injunction shall not, and is not to, restrain or enjoin said defendant from the use and enjoyment of its railroad and its said right of way for the reasonable and proper working of railroad traffic, or any part thereof; and that plaintiff to have and recover from said defendant his costs herein, amounting to $115.75."

It is contended by these protestants that they, as the successors in interest of the plaintiff Magnesen, have a right to the free and uninterrupted use of this crossing, of which the Commission can not deprive them. It will be noted that this judgment went no further than to establish the right to a *private* crossing as between the parties to the action, for the use of plaintiff therein, his successors in interest, and

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purchasers and occupiers of the tract formerly owned by Hayes. The rights of the public were not in issue nor decided in the action, so therefore, under the terms of the judgment itself the Commission is not precluded from determining the question of public convenience and necessity for the proposed crossing.

Moreover, we are of the opinion that under the power vested in it by the constitution and the Public Utilities Act (Sec. 43), the Commission is clothed with jurisdiction to make such orders with relation to the opening, closing or alteration of grade crossings as the public interest may require, entirely independent of the provisions of any private contract between individuals assuming to restrict such action.

Our Supreme Court has held that the Commission may establish rates for a public utility service which will supersede the rates for such service previously fixed by private contract between the consumer and the company. This, it has been held, is a valid exercise of the police power which neither impairs the obligation of a contract nor deprives of property without due process of law.

Law vs. *Railroad Commission*, 184 Cal., 737, 195 Pac. 423. (Citing earlier decisions to the same effect.) A similar conclusion was reached by the United States District Court for the Northern District of California in a recent decision.

Market Street Railway Co. vs. *Pacific Gas & Electric Co.*, 6 Fed. (2d) 633, 635.

We can see no distinction between the power to modify contract rates and the power to modify a private crossing agreement. Both alike rest upon the police power and are justified by changes in conditions which warrant the establishment of new rates or the establishment or abolition of a crossing when required by the necessities of the public. We, therefore, conclude that in the instant case the judgment referred to in no way precludes the Commission from abolishing this crossing for public use, wholly or in part.

Furthermore, physical conditions in this vicinity have changed considerably and alter the necessity of the number of crossings at grade. At the time Patrick Hayes entered into his agreement with the North Pacific Coast Railroad Company and at the time judgment was rendered by the superior court in and for the county of Marin there was no improved highway such as Greenfield avenue parallel to the railroad company on the south side thereof and between it and the lands formerly owned by said Patrick Hayes. At the present time Greenfield avenue, a well paved and curbed highway, affords access to and from this property toward both San Rafael and San Anselmo, directly by crossings at Highland, at a point opposite Sequoia drive, and at Main street.

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The Commission is of the opinion that the crossing under consideration is not necessary for vehicular traffic and that the permission to close same, granted by the Commission to the town of San Anselmo and to the Northwestern Pacific Railroad Company, in its Decision No. 15706, dated November 30, 1925, should again be granted, providing, however, that a crossing for pedestrians should be reopened in its stead.

ORDER.

The Northwestern Pacific Railroad Company and the town of San Anselmo having made application to the Commission for permission to close the first highway crossing at grade east of Main street in San Anselmo, across the tracks of the San Rafael suburban electric line of the Northwestern Pacific Railroad Company, public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact that public convenience and necessity do not require the continuance of a public crossing at grade for vehicular traffic at the point above indicated.

It is hereby further found as a fact that public convenience and necessity require the establishment of a pedestrian crossing at grade at the point above indicated, pending the construction of sidewalks along the San Rafael and Olema road between Sequoia drive and the junction of San Rafael and Olema road with Main street, San Anselmo; therefore,

It is hereby ordered, that permission and authority be and they are hereby granted to the Northwestern Pacific Railroad Company and to the town of San Anselmo, to abolish for public use with respect to vehicular traffic, the first grade crossing east of Main street, at Railroad engineer stations 524+56.7 and 525+16.7, in the town of San Anselmo, county of Marin, State of California, and as indicated as No. 5 on the map (C. E. 1633–36) attached to the application; and that said crossing shall not be reestablished as an open public crossing without the consent of this Commission being first obtained therefor.

It is hereby further ordered, that Northwestern Pacific Railroad Company be and it is hereby directed to construct a crossing for pedestrians at engineer station 524+56.7 or its near vicinity, subject to the following conditions, namely:

(1) The cost of the installation of such pedestrian crossing and the cost of its maintenance thereafter shall be borne by the Northwestern Pacific Railroad Company.

(2) Said pedestrian crossing shall be abolished when sidewalks shall have been constructed along the San Rafael and Olema road from Sequoia drive to the junction of said road with Main street in San Anselmo.

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(3) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said pedestrian crossing.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said pedestrian crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective twenty days from the date hereof.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16564.

IN THE MATTER OF THE APPLICATION OF CONSOLIDATED MOTOR FREIGHT LINES, INCORPORATED, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 12217.

Decided April 26, 1926.

SECURITIES—STOCK—TO SELL.—Application of Consolidated Motor Freight Lines, Inc., to issue and sell 27,050 shares of common capital stock at $5 a share, granted.

Devlin and Brookman, by *Douglas Brookman*, for Applicant.

BY THE COMMISSION.

OPINION.

Consolidated Motor Freight Lines, Inc., asks permission to issue 27,050 shares ($135,250 par value) of its common capital stock of the par value of $5 per share and sell such stock at $6.25 per share, and use the proceeds for the purposes hereinafter set forth.

On March 29th the Commission, by Decision No. 16319, denied without prejudice the above entitled application. Quoting from the Commission's order in said Decision No. 16319:

> It appearing that the company has issued stock in violation of the terms and conditions of this Commission's Decision No. 14123, and it being the Commission's opinion that the pending application should be denied without prejudice to its renewal at such time as applicant has furnished satisfactory evidence showing that its officers, who have been responsible for issuing stock in violation of the terms and conditions of the Commission's said Decision No. 14123, dated October 2, 1924, have returned to applicant an amount equal to the amount expended for commissions and expenses incident to the sale of stock in excess of the amount allowed by the order in said Decision No. 14123.

An affidavit of C. H. Smith, applicant's secretary and auditor, filed with the Commission on April 2, 1926, recites that its officers have returned to applicant an amount ($7,996) equal to the amount

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expended for commissions and expenses incident to the sale of stock in excess of the amount allowed by the Commission's order in Decision No. 14123. On April 12, 1926, the Commission entered its order reopening the above entitled matter for further consideration and determination on the record previously taken.

Consolidated Motor Freight Lines, Inc., asks permission to expend $1.25 per share obtained from the sale of its stock to pay commissions and expenses incident to the sale of said 27,050 shares of stock and use the remaining proceeds to acquire equipment and provide itself with working capital as follows:

Four specially built low bed trailers with special coupling attachment, tail gates, tops, sides, painting company colors, signs, etc., to be used for Berkeley division	$6,500 00
Two two-ton White tractors, cabs, windshields, headlights, and sundry accessories, company signs and painting company colors, to be used for Berkeley division	4,000 00
Ten two-ton White trucks, freight bodies, cabs, tail gates, windshields, headlights and sundry signs and painting company colors, for San Francisco and Oakland "local" divisions	26,500 00
Three heavy duty low bed trailers, tail gates, tops, sides, company signs and painting company colors, for San Francisco division	4,500 00
Two special reinforced Fordsons, cabs, etc., signs and company colors	3,000 00
One five-ton White chassis, special freight body, cab, tail gate, windshield, headlight, top, sides, sundry accessories, company colors and signs, painting	5,500 00
Estimated cost of building company's new freight terminal and freight sheds at Franklin Street Dock, Oakland, one-story corrugated iron structure, loading platforms, dock gangways, offices, driver's quarters, storerooms, gasoline tanks, electric lighting system, water system, painting, and company signs, complete	16,500 00
Estimated cost of equipping garage and repair shop with electric drills, lathe, vises, jacks, hoists, gasoline tanks, washing equipment, painting equipment, forge, etc.	4,500 00
Three Ford runabouts (second hand) for freight solicitors	1,250 00
Estimated cost of building company's new office at Pier 19, San Francisco	1,200 00
To provide working capital for San Francisco division to care for the particularly heavy freight advances peculiar to this division for such business, by way of example, the large consignments of newsprint for the Chronicle, Bulletin and other newspapers, and the large shipments of gunnies to the Hawaiian Islands, average monthly requirements, $9,000, turnover in 60 days	18,000 00
To provide working capital for the Berkeley division recently opened—average monthly gross business to start $3,000, 60-day turnover in accounts receivable plus fund needed for freight advances—railroads, steamers	8,500 00
To estimated cost of putting on pick-up equipment in San Francisco for creation of transbay pick-up division made necessary by growth of business: Eight two-ton White trucks, special freight bodies, top sides, tail gates, signs, company colors and sundry accessories	28,860 00
To provide working capital for above new pick-up division, accounts receivable 45–90-day turnover, and more particularly steamship and railroad advances, on a 30-day turnover, estimated approximately	6,500 00
Total	$135,310 00

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The testimony is to the effect that applicant has need for the foregoing equipment and that its business has been increasing to such an extent that it should provide itself with additional working capital.

Applicant has filed financial statements—a balance sheet and income account statement—which we find to be erroneous in several particulars. Such financial statements may not be used in connection with the sale of any stock herein authorized. Any financial statements prepared by applicant for use by itself or any brokers or other person employed to sell applicant's stock must be prepared in conformity with the Commission's classification of accounts prescribed for Class "A" automotive transportation companies, and a copy of such statement filed with the Commission.

Applicant asks that it be allowed to sell its stock at $6.25 per share (par value $5 per share) and use, of the proceeds, $1.25 to pay commissions and expenses incident to the sale of such stock. We will not allow the expenditure of $1.25 per share for commissions and other expenses that may be incurred in connection with the sale of the stock. We question the wisdom of this company selling its stock at a premium of 25 per cent. While we expect a company to get the best possible price for its securities we do not look with favor upon raising the price to the point herein indicated and using the premium to pay stock-selling expenses. The order herein will authorize the company to sell its stock for cash at not less than par. Whether the company receives par or more than par for its stock, it will be permitted to expend not more than 15 per cent of the par value of the stock sold to pay commissions, salaries of those who may be employed to sell said stock, advertising expenses and/or any other expenses which may be directly or indirectly incurred in connection with the sale of the stock herein authorized to be issued.

ORDER.

Consolidated Motor Freight Lines, Inc., having applied to the Railroad Commission for permission to issue 27,050 shares ($135,250 par value) of its common capital stock, a public hearing having been held and the Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that this application should be granted as provided in this order; therefore,

It is hereby ordered, that Consolidated Motor Freight Lines, Inc., be and it is hereby authorized to issue and sell for cash on or before October 1, 1926, at not less than par, 27,050 shares of stock of the par value of $5 per share, and use, if necessary, an amount equal to 15 per cent of the par value of the stock sold to pay commissions or brokerage fees, cost of advertising, and all other expenses incident

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directly or indirectly to the sale of said stock, and use the remaining proceeds only for the purposes set forth in the opinion which precedes this order, or for such other purposes as may be hereafter authorized by the Commission.

It is hereby further ordered, that Consolidated Motor Freight Lines, Inc., be and it is hereby directed to file with the Commission within fifteen days after the date hereof a copy of its balance sheet as of March 31, 1926, together with an income account, operating revenue and operating expense statement for the three months ending March 31, 1926, and thereafter to file monthly financial statements (balance sheet, income account, operating revenue and operating expenses); said statements to be filed within thirty days after the close of the month covered by said monthly statements. All of said statements are to be prepared in conformity with the classification of accounts prescribed by this Commission.

It is hereby further ordered, that Consolidated Motor Freight Lines, Inc., be and it is hereby directed to file with the Commission a copy of each and every financial statement prepared for use by itself, its brokers or agents in connection with the sale of the stock herein authorized to be issued and sold, also a copy of any prospectus or other literature that may be distributed in connection with the sale of said stock.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16566.

IN THE MATTER OF THE APPLICATION OF CARPINTERIA WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 12532.

Decided April 26, 1926.

SECURITIES—STOCK—TO SELL.—Carpinteria Water Company authorized to issue and sell $11,000 of common capital stock, and to use the proceeds thereof to pay indebtedness, and to finance additions and betterments.

Schauer and Ryon, by *Harrison Ryon,* for Applicant.

BY THE COMMISSION.

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OPINION.

In this application Carpinteria Water Company asks permission to issue and sell $11,000 of its common capital stock for the purpose of paying indebtedness and of financing the cost of drilling and equipping a new well and of purchasing and installing additional pipe lines.

A public hearing in this matter was held before Examiner Williams on March 9, 1926. Since the hearing, additional information has been filed and the matter is now ready for decision.

Carpinteria Water Company is engaged in the business of supplying water for domestic purposes in and about the town of Carpinteria, Santa Barbara County, supplying about two hundred consumers. During the eleven months ending November 30, 1925, the company reports operating revenues of $4,704.61; operating expenses, including depreciation, of $3,530.98, dividends declared of $1,065.98 and net revenue of $107.65. Earthquake losses are reported at $2,180, leaving a deficit at the close of the period of $2,072.35. The assets and liabilities, as of November 30, 1925, are reported as follows:

Fixed Capital: *Assets.*		
Real estate	$5,000 00	
Pumping equipment	3,915 64	
Tanks and reservoirs	13,011 84	
Pipe lines	24,928 77	
Wells	5,108 30	
		$51,964 55
Accounts receivable		1,502 50
Cash		156 30
Incorporation expenses		1,157 42
Other debit balances		418 52
Deficit		2,072 35
Total assets		$57,271 64
Liabilities.		
Capital stock		$40,000 00
Notes payable		2,000 00
Loan—Atkinson and Stewart		700 00
Accounts payable		2,052 32
Advances for construction		7,589 52
Deferred credit items		246 69
Reserve for depreciation		4,683 11
Total liabilities		$57,271 64

The company has an authorized capital stock of $150,000, divided into 1500 shares of the par value of $100 each, all common, of which $40,000, as shown on the foregoing balance sheet, has been issued and is now outstanding. In making the present application to issue $11,000 of stock, in addition, the company asks permission to sell it at not less than 93 per cent of par value and to use the proceeds, which will

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amount to $10,230 at this price, to pay indebtedness and to finance in part construction costs as follows:

To drill another well, about	$2,400 00
To build a pump house	580 00
To purchase pumping equipment	2,812 75
To pay note due First National Bank, and $17.50 representing interest accrued	2,017 50
To pay money advanced by the partnership of Stewart and Atkinson, applicant's predecessors	700 00
To pay Rincon Garage for pipe line extensions accepted and used by applicant	1,262 70
To pay back to the operating funds amounts paid Rincon Garage for pipe line extension	700 00
Total	$10,472 95

Applicant reports that the present supply of water has been found inadequate to take care of the demand for service properly and it therefore has constructed at an estimated cost of $2,400 a new sixteen-inch well, 397 feet in depth, which, it is said, will produce sufficient water to meet the present demand and to take care of future business. The new well, it appears, will be equipped either with a 1510 Luitwieler two-stroke pump and motor or an 18″ overlapping double stroke, double geared, self oiling Cook's deep well pump and motor, the former to cost, according to Exhibit "2," the sum of $3,659.20, and the latter, according to Exhibit "3," $2,812.75. At the hearing the company was unable to advise the Commission which pumping equipment it would purchase, so it therefore included the smaller amount in its estimate of expenditures.

As to the remaining items in the tabulation, it appears that the money borrowed on the note for $2,000, the advances from Stewart and Atkinson of $700, the amount due Rincon Garage of $1,262.70, and the amount of $700, heretofore paid Rincon Garage, represent moneys used for pipe line extensions, the four items aggregating $4,662.70. As shown in some detail in Exhibit "4," the pipe lines installed through the expenditure of the $4,662.70 include 150 feet of four-inch black pipe, 10,529 feet of two-inch galvanized pipe, 523 feet of one-inch galvanized pipe, and 100 feet of three-quarter-inch galvanized pipe.

We have given consideration to applicant's request and believe it should be granted, except that no proceeds from the sale of the stock may be used to pay the accrued interest of $17.50 on the outstanding note, as this, in our opinion, is not an amount to be capitalized through the issue of stock.

ORDER.

Carpinteria Water Company having applied to the Railroad Commission for permission to issue and sell stock, a public hearing having

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been held and the Railroad Commission being of the opinion that the application should be granted, as herein provided, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense, or to income;

It is hereby ordered, that Carpinteria Water Company be and it is hereby authorized to issue and sell, on or before December 31, 1926, at not less than 93 per cent of par value, $11,000 of its common capital stock and to use the proceeds to pay indebtedness and to finance in part the cost of additions and betterments, as follows:

Cost of new well, about	$2,400 00
Cost of pump house, about	580 00
Cost of pumping equipment, about	2,812 75
Payment of outstanding note in favor of First National Bank, no interest to be paid with stock money	2,000 00
Payment of amounts due Stewart and Atkinson	700 00
Payment of amounts due Rincon Garage	1,262 70
Repayment to operating funds of amounts heretofore paid Rincon Garage for pipe line extensions, provided that such amounts thereafter are used for additional pipe line extensions	700 00

It is hereby further ordered, that any proceeds not used for the foregoing purposes may be expended only for such purposes as the Commission may hereafter authorize.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16567.

IN THE MATTER OF THE APPLICATION OF KEY SYSTEM TRANSIT COMPANY FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE ISSUANCE OF EQUIPMENT TRUST CERTIFICATES FOR THE PURPOSE OF PAYING IN PART THE COST OF TWO NEW FERRY BOATS AND TWENTY-NINE PASSENGER CARS.

Application No. 12725.

Decided April 26, 1926.

SECURITIES—EQUIPMENT TRUST CERTIFICATES—TO ISSUE.—Key System Transit Company authorized to issue and sell $1,700,000 of equipment trust certificates and to use the proceeds derived from the sale thereof to finance in part the purchase of two turbo-electric ferryboats and 29 double-truck four-motor passenger cars.

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Brobeck, Phleger and Harrison, by *M. E. Harrison* and *G. A. Harrison*, for Applicant.

SEAVEY, *Commissioner*.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Key System Transit Company to issue $1,700,000 of its 5½ per cent serial equipment trust certificates.

It has been reported to the Commission that applicant's present facilities are inadequate to take care of its business properly and that it is advisable and necessary for it at this time to purchase two ferry boats and twenty-nine passenger cars, this equipment being included in the schedule of proposed expenditures, described in Exhibit "A" attached to Application No. 11329 and referred to in Decision No. 15817, dated December 31, 1926.

Applicant has entered into a contract (Applicant's Exhibit No. 3) with The Moore Drydock Company for the construction, for $849,565.50 each, of two double-ended, steel, turbo-electric ferryboats and into a contract (Applicant's Exhibit No. 4) with American Car Company for the construction, at a cost of $15,670 each, of twenty-nine double-truck, four-motor passenger cars. The total expenditure for the boats and cars will aggregate approximately $2,153,261, and it is to finance a portion of this cost that this application has been made to issue $1,700,000 of equipment trust certificates.

Although Key System Transit Company asks for an order authorizing it to issue the certificates, it appears that they will be executed by a trustee under the terms of an equipment trust agreement (Applicant's Exhibit No. 6) entered into as of April 1, 1926, between George H. Harris and C. C. Vargas, as vendors, Mercantile Trust Company of California, as trustee, and Key System Transit Company, and pursuant to a lease agreement (Applicant's Exhibit No. 7) entered into as of April 1, 1926, between Mercantile Trust Company of California and Key System Transit Company. Under these agreements the trustee will hold title to the equipment until all the certificates are paid. Applicant will unconditionally guarantee the payment of both principal and interest, or dividends, of the certificates and will operate the equipment under lease which in effect obligates it to pay the certificates.

The lease provides for the payment by applicant as rental for the equipment the following amounts:

1. An amount equal to the difference between the actual cost of the twenty-nine passenger cars and the two ferryboats and the amount realized from the sale of $1,700,000 of equipment trust certificates;

2. The necessary and reasonable expenses of the trust, including

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all expenses connected with the trust equipment and the lease of such equipment;

3. All taxes, assessments, governmental charges upon the income or equipment of the trust;

4. The dividend warrants attached to the trust certificates when and as the same shall become payable;

5. The principal of the trust certificates when and as the same shall become payable whether by declaration or redemption or upon the respective dates of maturity.

The company also covenants that it will maintain and keep the trust property in good and efficient condition, working order and repair, at its own cost and expense and will promptly replace, restore, repair and/or reconstruct at its own cost and expense any of the trust property, or any parts, equipment or machinery appertaining thereto that may be worn out, lost, damaged or destroyed, by new and like property, parts, equipment or machinery of equal value, such value to be taken at the cost, if that be below market value, or at market value, if that be below cost. The company also agrees to keep the trust property insured against loss or damage by fire, and in the case of the two ferryboats, to keep them in such condition and repair as will enable them to receive certificates of the highest qualification for vessels of their respective ages and types in the British Lloyds or in the American Bureau of Shipping, or such other qualification bureau as the trustee may approve.

The certificates will be dated April 1, 1926, bear interest at 5½ per cent per annum, be callable at a premium of 2 per cent and will mature in the amount of $175,000 on the first day of April of each of the years 1927 to 1929, both inclusive, in the amount of $150,000 on the first day of April of the years 1930 and 1931, and in the amount of $125,000 on the first day of April of each of the years 1932 to 1938, both inclusive.

Applicant reports that tentative arrangements have been made to sell the certificates at 95. If sold at this price, applicant will realize the sum of $1,615,000, which is $538,561 less than the contract prices of the new equipment. This difference, under the two agreements, must be made up by applicant, and in this connection Mr. C. C. Vargas, assistant to the president of applicant, testified that the amount would be met by issuing short-term notes and by using moneys on hand from the operation of the business and from moneys represented by the reserve for depreciation. It appears that about $160,000 of the amount has been expended already, leaving a balance of about $377,561 yet to be obtained. Mr. Vargas further testified that the earnings of the company, in the opinion of its officers, will be sufficient

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to enable it to meet its obligations under the equipment trust and lease agreements.

I herewith recommend the following form of order:

ORDER.

Application having been made to the Railroad Commission for an order authorizing Key System Transit Company to issue $1,700,000 of equipment trust certificates, a public hearing having been held, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required by Key System Transit Company;

It is hereby ordered, that Key System Transit Company be and it is hereby authorized to execute and enter into an equipment trust agreement and a lease agreement, substantially in the same form as those filed in this proceeding as Exhibit "6" and Exhibit "7" respectively, and to assume or guarantee the payment of not exceeding $1,700,000 of 5½ per cent serial equipment trust certificates to be issued pursuant to the terms and conditions of said agreements, and assume or guarantee a like amount of temporary trust certificates, which are to be exchanged for permanent certificates as soon as said permanent certificates are ready for delivery.

The authority herein granted is subject to the following conditions:

1. The authority granted to execute an equipment trust agreement and lease agreement is for the purpose of this proceeding only, and is granted only in so far as this Commission may have jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of such equipment trust agreement and lease agreement as to such other legal requirements to which said agreements may be subject.

2. The equipment trust certificates shall be sold at not less than 95 per cent of par value and the proceeds used to finance, in part, the reported expenditures of $2,153,561 for the two ferryboats and the twenty-nine passenger cars referred to in the opinion which precedes this order.

3. Applicant shall keep such record of the issue and sale of the equipment trust certificates and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted will become effective when Key System Transit Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,350.

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The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16568.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN SIERRAS POWER COMPANY, AN ELECTRICAL CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF TWO HUNDRED FORTY SEVEN THOUSAND SIX HUNDRED DOLLARS PAR VALUE FIRST AND REFUNDING MORTGAGE BONDS.

Application No. 12772.

Decided April 26, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

P. R. Ferguson, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter, The Southern Sierras Power Company asks permission to issue and sell, at not less than 88 per cent of face value, $247,600 of its first and refunding mortgage 6 per cent bonds due January 1, 1965, to finance in part the cost of additions and betterments made during the period from August 1, 1925, to December 31, 1925, both inclusive.

The Southern Sierras Power Company heretofore has applied for and received permission to issue bonds to finance, in part, construction expenditures made prior to August 1, 1925. The company now reports, in Exhibit "B," additional expenditures on capital account, up to December 31, 1925, of $1,447,288.87, from which, however, it deducts $182,754.47 representing property displaced, and $973,202.44 representing amounts carried in construction work in progress accounts, which were used in previous certificates as a basis for issuing bonds. Deducting these amounts from the $1,447,288.87 it arrives at the sum of $291,331.96, against which no bonds have been issued and on account of which applicant now asks permission to issue $247,600 of bonds.

Applicant has bonds outstanding which have been issued under two mortgages: a first mortgage executed as of September 1, 1911, to secure the payment of an authorized issue of $5,000,000 of 6 per cent bonds due September 1, 1936, and a first and refunding mortgage of the open-end type executed as of January 1, 1915, to secure the payment of first and refunding 6 per cent bonds due January 1, 1965. In addition it has assumed the payment of the 6 per cent serial bonds

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of Coachella Valley Ice and Electric Company which are dated January 1, 1912, and mature in equal annual installments of $15,000 on the first day of January of each of the years 1937 to 1956.

As of February 28, 1926, applicant reports its outstanding bonded indebtedness at $11,133,000, which includes the following:

First mortgage bonds		$2,470,000 00
First and refunding mortgage bonds:		
Series "A," dated Jan. 1, 1915	$2,306,000 00	
Series "B," dated Dec. 1, 1920	4,963,000 00	
Series "C," dated Oct. 1, 1924	1,094,000 00	
		8,363,000 00
Coachella Valley Ice and Electric Company bonds		300,000 00
Total		$11,133,000 00

Applicant proposes to sell the $247,600 of bonds at 88 per cent of face value. It asks permission to use the proceeds to reimburse its treasury. Applicant's balance sheet as of February 28, 1926, shows a corporate surplus of $140,403.97 and indebtedness, other than bonded indebtedness, at $2,719,978.21, which includes advances from affiliated companies of $500,000, notes payable of $6,789, accounts payable of $2,002,089.67 and miscellaneous current and accrued liabilities of $211,099.54. Cash on hand and other current or accrued assets, as of the same date, are reported at $1,048,961.90. We are of the opinion that the proceeds from the sale of the bonds should be used to pay outstanding indebtedness rather than reimburse applicant's treasury.

An appropriate order accordingly will be made.

ORDER.

The Southern Sierras Power Company having applied to the Railroad Commission for permission to issue and sell bonds, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that the application should be granted as herein provided, and that the expenditures herein authorized are not, in whole or in part, reasonably chargeable to operating expense or to income;

It is hereby ordered, that The Southern Sierras Power Company be and it is hereby authorized to issue and sell, on or before December 31, 1926, at not less than 88 per cent of face value plus accrued interest, $247,600 of its first and refunding mortgage 6 per cent bonds and to use the proceeds ($207,880) other than accrued interest to pay in part the outstanding indebtedness to which reference is made in the foregoing opinion, and to finance $207,880 of the cost of the additions and betterments described in Exhibit "B," attached to the application herein, as is properly chargeable to capital account, as defined by the uniform classification of accounts prescribed by the Railroad Commission.

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It is hereby further ordered, that the authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $248, and, further, that applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16572.

IN THE MATTER OF THE APPLICATION OF SUNLAND RURAL TELEPHONE COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE STOCK.

Application No. 12713.

Decided April 26, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Ernest Erwin, for Applicant.

BY THE COMMISSION.

OPINION.

The Sunland Rural Telephone Company asks permission to issue and sell, at not less than par, $15,000 of its common capital stock and use the proceeds for purposes specified in section 52 of the Public Utilities Act.

Applicant has an authorized stock issue of $50,000 divided into 500 shares of the par value of $100 each. As of March 1, 1926, it had stock outstanding in the amount of $18,400. As of that date it also reports outstanding, 8 per cent unsecured notes in the amount of $1,050, miscellaneous accounts payable of $749.46. The company has no bonded indebtedness. It is of record that the money obtained through the issue of the $1,050 of notes was expended for the construction and acquisition of additional telephone properties.

As of December 31, 1925, the company reports assets and liabilities as follows:

Assets.

Plant and equipment	$31,334 39
Cash (overdraft)	951 62
Accounts receivable	188 49
Prepayments	92 61
Stock discount	485 00
Total assets	$31,148 87

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Liabilities.

Capital stock	$15,200 00
Notes payable	1,150 00
Accounts payable	1,583 65
Depreciation reserve	6,342 25
Subscribers' donations for construction	409 20
Service paid in advance	139 25
Dividends declared	63 00
Surplus	6,261 52
Total liabilities	$31,148 87

The following statement shows the company's revenues and expenses and other deductions from income during the past three years:

Item	*1925*	*1924*	*1923*
Operating revenues	$18,126 59	$14,424 23	$7,295 12
Operating expenses	12,012 53	9,374 50	5,945 13
Operating income	$6,114 06	$5,049 73	$1,349 99
Less:			
Interest accrued	$137 29	$330 74	$77 26
Other deductions	2,457 97	838 28	83 55
Total	$2,595 26	$1,169 02	$160 81
Available for dividends	$3,518 80	$3,880 71	$1,189 18
Dividends declared	1,462 00	780 00	
Balance to surplus	$2,056 80	$3,100 71	$1,189 18

Applicant reports that it is necessary for it to expend in the immediate future for the purpose of paying indebtedness, purchasing additional cable and installing the same, approximately $6,550. Applicant's president was not in a position at the hearing had on this application before Examiner Fankhauser to definitely state the purposes for which the remaining proceeds obtained through the issue and sale of the $15,000 of stock will be expended. Applicant has agreed to expend the proceeds, other than the $6,550 referred to, only for such purposes as the Commission may authorize in a supplemental order or orders.

ORDER.

Sunland Rural Telephone Company having applied to the Railroad Commission for permission to issue and sell $15,000 par value of its common stock and the Commission being of the opinion that this application should be granted as herein provided;

It is hereby ordered, that Sunland Rural Telephone Company be and it is hereby authorized to issue and sell at not less than par for cash on or before February 1, 1927, $15,000 par value of its common capital stock and use $1,050 of the proceeds obtained from the sale of such stock to pay the notes referred to in Exhibit "A" filed in this proceeding and use approximately $5,500 of such proceeds to purchase and install additional telephone cable and telephone facilities. The

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remainder of the proceeds from the sale of the $15,000 of stock may be expended only for such purposes as the Commission will authorize by a supplemental order or orders herein.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16575.

IN THE MATTER OF THE APPLICATION OF THE GARDENA VALLEY WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING ISSUE OF STOCK.

Application No. 12766.

Decided April 26, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

McAdoo, Neblett and O'Connor, for Applicant.

BY THE COMMISSION.

ORDER.

Gardena Valley Water Company, a corporation organized on or about March 2, 1926, for the purpose, primarily, of engaging in the public utility water business in and about Gardena, Los Angeles County, having applied to the Railroad Commission for permission to issue and sell, at par, five shares of stock, of the aggregate par value of $500, to its incorporators, and to use the proceeds to pay organization expenses, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the issue of the stock is reasonably required for the purpose specified herein and that the expenditures for such purpose are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Gardena Valley Water Company be and it is hereby authorized to issue and sell at par for cash five shares of its capital stock of the aggregate par value of $500 and to use the proceeds to pay organization expenses.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the

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Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16576.

IN THE MATTER OF THE APPLICATION OF COLUSA COUNTY TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 12777.

Decided April 26, 1926.

RATES—TELEPHONE UTILITY—LOCAL MESSAGES—MOVES AND CHANGES.—Colusa County Telephone Company authorized to put in effect a charge of five cents for each local message from pay stations, and to establish Commission's uniform charges for moves and changes of equipment.

BY THE COMMISSION.

ORDER.

Whereas, Colusa County Telephone Company having filed an application with this Commission requesting authority to file and make effective a charge of five cents for each local message made from established public pay stations and to file and place in effect certain rules and regulations relative to charges for moves and changes; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Colusa County Telephone Company and to the public; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations and it appearing that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Colusa County Telephone Company be and it is hereby authorized to charge and collect the sum of five cents for each local message made from public pay stations on and after June 1, 1926.

It is hereby further ordered, that Colusa County Telephone Company be and it is hereby authorized to file with this Commission, effective as of June 1, 1926, the following rules and regulations:

1. Moves and Changes:

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

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C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in Section 1 above, and as may be approved by this Commission.

Provided said rates and rules and regulations be submitted for filing with this Commission on or before May 29, 1926.

Dated at San Francisco, California, this twenty-sixth day of April, 1926.

DECISION No. 16606.

IN THE MATTER OF THE APPLICATION OF RURAL UNION TELEPHONE COMPANY FOR AUTHORITY TO ABANDON TELEPHONE UTILITY OPERATIONS.

Application No. 12635.

Decided April 30, 1926.

ABANDONMENT—SERVICE—TELEPHONE UTILITY.—Rural Union Telephone Company ordered to discontinue service August 2, 1926, instead of May 1, 1926, as heretofore ordered.

BY THE COMMISSION.

SUPPLEMENTAL ORDER.

By Decision No. 16249, dated March 18, 1926, the Railroad Commission ordered Rural Union Telephone Company to cease and abandon all utility operations on and after May 1, 1926.

The authorization to the Rural Union Company was granted with the understanding that the town of Franklin and vicinity would be furnished with telephone service on and after May 1, 1926, by Elk Grove Telephone Company. It now appears that Elk Grove Telephone Company will be unable to serve this territory as of this date and that service should be continued by Rural Union Company for a further reasonable length of time until service can be provided by Elk Grove Telephone Company; therefore,

It is hereby ordered, that the order of this Commission, Decision No. 16249, dated March 18, 1926, requiring Rural Union Telephone Com-

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pany to cease and abandon all utility operations on and after May 1, 1926, be canceled; and,

It is hereby further ordered, that the Rural Union Telephone Company cease and abandon all utility operations on and after August 2, 1926.

Dated at San Francisco, California, this thirtieth day of April, 1926.

DECISION No. 16608.

IN THE MATTER OF THE APPLICATION OF CONSOLIDATED WATER AND DEVELOPMENT COMPANY FOR AUTHORITY TO PURCHASE, AND HARRY L. PERSON, GEORGE D. RODGERS AND CLAUDE E. KINCAID FOR AUTHORITY TO SELL THAT CERTAIN PUBLIC UTILITY COMMONLY KNOWN AS THE KINCAID WATER PLANT, SITUATE IN TRACT 6812 OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 11453.

Decided May 3, 1926.

CERTIFICATE—WATER UTILITY—PROPERTY—TO TRANSFER—RATES.—Consolidated Water and Development Company authorized to acquire and operate the water system known as the Kincaid Water plant, situate in Tract No. 6812, Los Angeles County, which had never obtained a certificate from the Commission. Rates established for service thereon.

Harry L. Person and *F. Walton Brown and Leet W. Bissell,* by *F. Walton Brown,* for Applicants.

BY THE COMMISSION.

OPINION.

In this application, as amended, the Railroad Commission is asked to make an order:

1. Authorizing Harry L. Person, George D. Rodgers and Claude E. Kincaid to sell to Consolidated Water and Development Company a public utility water system known as the Kincaid Water Plant; and

2. Authorizing Consolidated Water and Development Company to issue in part payment its promissory note for $5,500 payable in quarterly installments of $500 each with interest at 7 per cent per annum; and

3. Declaring that public convenience and necessity require the operation of the water system by Consolidated Water and Development Company in the territory served by Kincaid Water Plant; and

4. Approving a proposed schedule of rates.

The properties involved in this proceeding consist of a number of small distribution systems which were installed by real estate subdividers. The water supply is obtained from a deep well from which the water is pumped into a 20,000 gallon redwood tank. The combined

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service area of the distribution systems contains approximately 252 consumers. The territory being served is adjacent to and lying south and east of the city limits of the city of Los Angeles and is described as follows:

Beginning at the intersection of Eighty-eighth street and McKinley avenue; thence south by McKinley avenue to Ninety-second street; thence west by Ninety-second street to South Park avenue; thence south by South Park avenue to Ninety-fourth street; thence west by Ninety-fourth street to San Pedro street; thence north by San Pedro street to Ninety-first street; thence west by Ninety-first street to Wall street; thence north by Wall street to Ninetieth street; thence east by Ninetieth street to San Pedro street; thence north by San Pedro street to Eighty-ninth street; thence east by Eighty-ninth street to South Park avenue; thence north by South Park avenue to Eighty-eighth street; thence east by Eighty-eighth street to the point of beginning, comprising the following subdivided tracts: 7688, 7527, 6886, 7337, 7338, 7339, 7971, 6812, 7407 and 7415.

Consolidated Water and Development Company has agreed to purchase the Kincaid properties herein mentioned for the sum of $7,500. It has advanced the amount of $2,000 and proposes to issue an installment note, dated February 10, 1926, for the balance of $5,500, payable in quarter annual installments of $500 each, with interest at the rate of 7 per cent per annum.

Consolidated Water and Development Company supplies water in territory adjacent to that served by the Kincaid Water Plant, and in connection with this service has installed a well and pumping plant at the corner of Eighty-seventh and San Pedro streets. By reason of the low elevation of the storage tank and the condition of the pumping equipment this plant can not supply the consumers with adequate water at proper pressures. The facilities at the Kincaid plant are so designed that water can be furnished under better service conditions to the territory now supplied by applicant's plant at Eighty-seventh and San Pedro streets, and it therefore appears that the acquisition of this system will provide better service throughout the entire territory.

The present owners of the Kincaid water system have never obtained a certificate of public convenience and necessity to operate this water system, nor have they filed their schedule of rates with the Railroad Commission.

The Consolidated Water and Development Company has filed a copy of Ordinance No. 1234, N. S., passed by the board of supervisors of Los Angeles County on March 9, 1925, and has asked for a certificate of public convenience and necessity for the operation of the water plant to supply the consumers of the Kincaid system, which is within the area covered by the above franchise. The schedule of rates submitted is the one now charged by the Consolidated Water and Development Company in adjacent territory, and as the service conditions are similar, it appears that this schedule should be authorized to apply also to the territory involved herein.

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ORDER.

Consolidated Water and Development Company, a corporation, and Harry L. Person, George D. Rodgers and Claude E. Kincaid having made application to this Commission as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed therein:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Consolidated Water and Development Company, a corporation, operate a water system for the purpose of supplying domestic service to the residents of Tracts Nos. 7688, 7527, 6886, 7337, 7338, 7339, 7971, 6812, 7407 and 7415, Los Angeles County, and exercise the rights and privileges granted by Ordinance No. 1234, N. S., passed by the board of supervisors of Los Angeles County on March 9, 1925, in so far as said ordinance refers to the operation of a water system for the purpose of supplying domestic service within the said tracts;

It is hereby ordered, that Harry L. Person, George D. Rodgers and Claude E. Kincaid be and they are hereby authorized to sell and transfer to Consolidated Water and Development Company, a corporation, for a consideration of not exceeding $7,500, the plant and properties to which reference is made in the foregoing opinion, known as the Kincaid Water Plant, and the Consolidated Water and Development Company be and it is hereby authorized to issue in part payment therefor its promissory note in the principal amount of not exceeding $5,500, payable in quarter annual installments of $500, with interest at not exceeding 7 per cent per annum.

It is hereby further ordered, that Consolidated Water and Development Company, a corporation, be and it is hereby authorized and directed to file with the Railroad Commission of the State of California within twenty days from the date of this order, the following schedule of rates, effective for all service rendered on and after May 1, 1926:

Domestic Flat Rates.

(1) For a ¾-inch service, a monthly flat rate for residences, boarding houses or tenements of 5 rooms or less	$1 50
For each additional room per month	25
Additional for private barn with not more than two horses or cows or one automobile, per month	50
For each additional horse or cow, per month	20
For each additional automobile, per month	50
(2) Sprinkling or irrigation of lawns, shrubbery, trees, gardens, etc., per square yard per month	005

Irrigation Rates.

A flat rate per hour for water delivered through a two (2) inch hydrant attached to a four (4) inch main of	75

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Domestic Meter Rates.

For 400 cubic feet of water or less	$1 00
For 400 to 1000 cubic feet, per 100 cubic feet	20
For 1000 to 2000 cubic feet, per 100 cubic feet	15
All in excess of 2000 cubic feet, per 100 cubic feet	12

NOTE: Meters may be installed at the option of the consumer or the company. When a meter is installed at the request of a consumer, a deposit may be required, such deposit to be returned to the consumer as a credit on monthly bills at a rate of one twentieth (1/20) of the deposit per month.

The following deposits may be required:

For ⅝-inch meter	$15 00
For ¾-inch meter	20 00
For 1 -inch meter	25 00
For 1½-inch meter	45 00
For 2 -inch meter	70 00

The authority herein granted is subject to the following conditions:

(1) The price at which the transfer of the properties is herein authorized shall not hereafter be urged before this Commission or other court or public body having jurisdiction as a measure of value of such properties for the purpose of fixing rates or for any purpose other than this transfer, nor shall any value be claimed for the franchise rights granted by Ordinance No. 1234, N. S., in excess of the amount actually paid to the grantor for such franchise rights.

(2) Within thirty days after the transfer of the properties herein authorized Consolidated Water and Development Company shall file with the Commission a certified copy of the deed, or deeds, under which it acquires and holds title to the properties herein authorized to be transferred, and shall at the same time file a certified statement showing the exact date upon which it took possession of such properties.

(3) The authority herein granted to transfer properties and to exercise rights and privileges shall become effective upon the date hereof. The authority granted to issue a note shall become effective when Consolidated Water and Development Company has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25.

(4) Consolidated Water and Development Company shall keep such record of the issue and delivery of the note herein authorized as will enable it to file within thirty days thereafter a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this third day of May, 1926.

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DECISION No. 16609.

IN THE MATTER OF THE APPLICATION OF AUTO TRANSIT COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AN AUTO STAGE LINE FOR THE TRANSPORTATION OF PASSENGERS, FOR COMPENSATION, BETWEEN PALO ALTO, MAYFIELD, MOUNTAIN VIEW, SUNNYVALE, CUPERTINO, SARATOGA, LOS GATOS, LEXINGTON, ALMA, HOLY CITY, SUMMIT, GLENWOOD, SAND HILL, VINE HILL ROAD AND FELTON ROAD, CALIFORNIA, AND BETWEEN SAID POINTS AND POINTS NORTH AND SOUTH THEREOF ON APPLICANT'S PRESENT ROUTE, OR ROUTES, BETWEEN SAN FRANCISCO AND SANTA CRUZ, MONTEREY, HOLLISTER AND SALINAS, CALIFORNIA, AND INTERMEDIATE POINTS, VIA PALO ALTO, SUNNYVALE AND LOS GATOS, CALIFORNIA.

Application No. 11726.

Decided May 3, 1926.

CERTIFICATE—AUTO STAGES—THROUGH SERVICE.—Certificate granted to Auto Transit Company to operate through passenger service between San Francisco and Santa Cruz, and intermediate points, as an extension of existing operating rights.

Herbert C. Jones, Gilbert D. Boalt, and *Sanborn and Rochl and DeLancey C. Smith* by *A. B. Rochl*, for Applicant.

F. E. Chapin and *W. F. James*, for Peninsular Railway Company, Protestant.

Harry A. Encell and *Jas. A. Miller*, by *Harry A. Encell*, for Peerless Stages, Inc., Protestant.

J. E. McCurdy, for Peninsula Rapid Transit Company and Pacific Auto Stages, Protestants.

H. W. Hobbs, for Southern Pacific Company, Protestant.

BY THE COMMISSION.

OPINION.

Auto Transit Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the continuance of operation by it as a common carrier of passengers by automobile stages between intermediate points on its authorized route between San Francisco and Santa Cruz, via Los Gatos, and between such intermediate points and the termini of San Francisco and Santa Cruz, on said route; and also for authority to transport passengers between said intermediate points on its San Francisco-Santa Cruz route and points south and east of Santa Cruz, *i. e.*, Monterey, Hollister, Salinas and intermediate points.

Public hearings on this application were conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

Applicant's service between San Francisco and Santa Cruz was originally authorized by this Commission's Decision No. 5900 on Application No. 3669, as decided November 4, 1918, said decision authorizing the transportation of passengers between San Francisco and Santa Cruz and intermediate points, and providing that no local passengers should be carried between Menlo Park or Camp Fremont

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and San Francisco unless vacant seats were available, and providing, further, that no local service should be established between Menlo Park or Camp Fremont and San Francisco.

On September 12, 1925, the Commission by its Decision No. 15391 in Case No. 2102 found that applicant had no authority to serve intermediate points on its route between Santa Cruz and San Francisco excepting the intermediate points of Menlo Park and Camp Fremont and restricted as to such points by the limitation that vacant seats must be available.

Applicant alleges that in good faith, and relying on its interpretation of the order in Decision No. 5900, on Application No. 3669, it established on July 17, 1919, its service between San Francisco and Santa Cruz and intermediate points; that public convenience and necessity require the continuance of service between the intermediate points on its Santa Cruz-San Francisco route and the termini, and also between such intermediate points and points south and east of Santa Cruz, *i. e.*, Monterey, Salinas, Hollister and intermediate points.

Applicant proposes to charge fares in accordance with a schedule marked "Exhibit A"; to operate on a time schedule marked "Exhibit B," both exhibits being attached to and forming a part of the application herein. The equipment proposed to be used consists of Fageol, Pierce-Arrow and Packard cars with an aggregate total seating capacity of 201 passengers.

Mr. Geo. H. Higgins, president of applicant corporation, testified that he first became connected with the company in December, 1920, by reason of acquiring a half interest. At the time of his becoming interested in the company the operation was suspended, under authority of the Commission, account the winter season and adverse road conditions. When service was resumed in the spring of 1921 all intermediate points to and south of Palo Alto were served and such service of intermediate points was continued thereafter. Witness further testified that additional equipment was purchased to care for passengers to and from intermediate points which would not have been required for the through business; that if through business only were to be authorized an investment of $17,500 in two new cars would be unnecessary; that adequate service had been rendered to intermediate points, extra cars being sent out to care for overflow traffic as regards both through and intermediate passengers; that the present property value of the company is $76,000 with $41,000 stock outstanding; and that the company is able to finance the purchase of additional equipment should the demands of traffic require.

Dr. Chas. S. Arnold, superintendent and resident physician of the Odd Fellows' Home at Saratoga, testified that he had found the service of applicant to fill a particular need as regards transportation between

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Saratoga and San Francisco; that it was used for residents of the home and was desirable in that no transfer was necessary; and that he had heard no complaint as to inadequate seating facilities. The witness preferred to use the stages of applicant rather than his own car.

Col. C. E. S. Wood, residing at San Francisco, testified that he had a summer residence at Los Gatos and patronized the stage line of applicant, preferring such service rather than the use of his private car, and disliking transfer at Palo Alto required on most schedules of the railroad.

Mr. Edwin S. Williams, residing at Palo Alto, is engaged in the development of real estate in the Santa Cruz Mountains and is in favor of the application, believing that the highway transportation should be developed particularly between intermediate communities. Witness does not own an automobile and prefers stages to the electric railway service between Palo Alto and Los Gatos.

Mr. Geo. A. Trux, residing two miles north of Los Gatos, testified that although he has used the stages of applicant but once, they are frequently used by his wife, his guests and friends and in his opinion the service heretofore rendered has been very desirable.

Mr. E. B. Lakin, president of the Chamber of Commerce of Palo Alto, testified that he was familiar with the stage service heretofore rendered by applicant; that he had a summer residence at Carmel and if the service was not to be continued he would be obliged to use the trains of Southern Pacific Company. Witness had no complaints regarding any inadequacy of service on stage line of applicant.

Mr. Harry Ryan, residing at "Call-of-the-Wild Ranch," about 3½ miles south of Los Gatos and near Alma, has a subdivision in the Santa Cruz Mountains known as "Call of the Wild" of which 80 lots have already been sold and 20 cottages erected. The subdivision was opened about 15 years ago and is visited by lot owners and vacationists. Another land subdivision is about to be placed on the market by this witness near Glenwood, which will also be served by applicant's line.

Mr. John H. Beckman, postmaster at Patchen post office, located on the highway between Los Gatos and Santa Cruz, testified that it would be a serious personal inconvenience if the service heretofore rendered by applicant were to be discontinued as his location is 4½ miles from railroad service.

Mr. W. E. Riker, residing at Holy City and engaged in general business activities at such point, testified that he had used the stages of applicant; that Holy City was a community on the highway at which persons from the off-highway points in the Santa Cruz Mountains boarded or left stages when en route to or from Santa Cruz or San Francisco and intermediate points. Witness further testified that the

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permanent population at Holy City was 35 people and that the summer population was a considerably greater number, and that, in his opinion, 99 per cent of the people visiting that point came in privately owned automobiles.

Mrs. C. B. Rowell, residing at Los Gatos, and in business at that point, testified that she was familiar with the service heretofore rendered by applicant; that she used the service between Los Gatos and San Francisco practically every week, sometimes more frequently; that she was acquainted with other methods of transportation but preferred that of applicant for the reason that the trip was direct and consumed less time than that of other carriers.

Mrs. May MacMiken, residing at Los Gatos, testified that she had a large house and cared for convalescents; that she had used all methods of transportation for herself and her patients; that there was no other service available without change which made delivery in the business section of San Francisco. The witness disliked a service requiring a change of stages or a change from electric train to Southern Pacific train, and believed the direct service preferable, particularly for patients destined to or from her institution.

Mrs. H. J. Lund, residing on a ranch at the summit near Woodwardia, testified that she had used the service of applicant to San Francisco, Los Gatos, Lexington, and occasionally to Santa Cruz. Witness lives off the highway and in her visits to Lexington, which are frequent, always takes the last car to Summit on her return journey and always has been furnished a seat. She has used the stages of protestant Peerless Stages, Inc., between Summit and Los Gatos but found them often crowded and sometimes she could not get a seat. Other residents in her locality depend on stage service for their transportation.

Mrs. Chas. Bell, residing at Saratoga, and engaged in the real estate business, testified as to her familiarity with the stage service heretofore rendered by applicant. Witness has her own automobile but frequently uses stage service and does not like transfers, preferring direct service. Witness expressed the opinion that if the service heretofore give by applicant was not continued and authorized to serve Saratoga as an intermediate point on the route between San Francisco and Santa Cruz a serious inconvenience would be caused to the community at Saratoga.

Mr. Fred R. Miller, a resident of Saratoga, and proprietor of an art store and tea room, testified as to his familiarity with applicant's service which he uses once weekly between San Francisco and Saratoga; that he had used the combination steam railroad and electric car service between these points but prefers the stage service for the reason that he prefers through service without transfer; that he had heard no complaint as to the character of service heretofore rendered by appli-

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cant; and that he would be willing to pay a reasonably higher rate of fare rather than be obliged to dispense with the through service.

Mrs. W. Blabon, residing about 1¼ miles south of Cupertino, between Saratoga and Sunnyvale, testified that she used the service of applicant practically daily; that she formerly used the electric car line to Palo Alto prior to the establishment of applicant's service; that she finds the stage service a great convenience in that she usually has bundles or hand baggage which interfere with easy transfers; and that she has also used the service to Santa Cruz. This witness expressed the opinion that ranch life would be unbearable without the continuance of a stage line.

Mrs. J. H. Hough, residing near Nippon Mura, testified that she used the stage service of applicant to Palo Alto and thence the stages of the Peninsular Company; and that she prefers a stage service without transfer.

Mr. F. Adamson, residing at Los Gatos, testified that he was familiar with the service of applicant between Los Gatos and San Francisco, having used the stages averaging once a week; that he disliked delays at Meridian on the electric line and delay and transfer at Palo Alto between the trains of the Southern Pacific Company and the Peninsular Railway; that he preferred a direct line of stages rather than a transfer at San Jose; that he has had to use taxi service for transfer between stage depots at San Jose and also requires taxi service at San Francisco when using Southern Pacific Company service which is not necessary in the use of applicant's stages which deliver him so close to his destination that taxi service is unnecessary. Witness further testified as to the quality of service rendered by applicant in that he was always provided with a seat; that extra cars were furnished in case of overloads and that on some occasions a special car has been furnished for him when seating capacity had been exhausted on the regularly scheduled stage.

Two witnesses, residing at Saratoga, testified as to their familiarity with the service of applicant between Saratoga and San Francisco and as to their desire and need for a continuance of a through service without change.

Two witnesses, residing at Glenwood, testified in support of applicant's service to Santa Cruz, Los Gatos and San Francisco. Both witnesses knew of service as offered by the trains of the Southern Pacific Company and the stages of Peerless Stages, Inc., and both used the service of the latter company but not that of the Southern Pacific Company by reason of train operating at inconvenient hours. Both witnesses were of the opinion that all present service should be continued.

Two witnesses, residing at Summit (also known as Woodwardia),

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testified regarding the mountain summer resort at such point and the need for service by week-end patrons from San Francisco and other points. This point is served exclusively by stage, being located 4½ miles from the nearest railroad station. Witnesses also knew of and patronized the stage service of protestant Peerless Stages, Inc.

Resolutions endorsing the service of the applicant and requesting the granting of the certificate were filed on behalf of the Santa Cruz Chamber of Commerce and the Saratoga Improvement Association.

The granting of the application was protested by Southern Pacific Company, Peninsular Railway Company, Peerless Stages, Inc., Peninsula Rapid Transit Company and Pacific Auto Stages.

By written stipulation, duly filed at one of the hearings, applicant

> waives any and all rights to take on or pick up local passengers between San Francisco and Sunnyvale, inclusive, and any and all points intermediate thereto on northbound trips toward San Francisco, and further waives any and all rights to discharge passengers on any and all trips southbound from San Francisco between San Francisco and Sunnyvale, inclusive, and any and all points intermediate thereto * * *.

Upon the filing of the stipulation the protests of Peninsula Rapid Transit Company and Pacific Auto Stages were withdrawn.

Mr. Jos. B. Held, president of protestant Peerless Auto Stages, Inc., testified that his company was operating stages between San Jose and Santa Cruz, via Los Gatos, and that such operation had been given by his company for three years, following the purchase of the line by authority of the Railroad Commission, that a schedule of six round trips daily was maintained, using 16, 19 or 21 passenger cars. An exhibit was filed showing the vacant seats available between Los Gatos and Santa Cruz during the period March 1 to September 30, 1925, inclusive, and indicating ample seating capacity available to care for additional patronage.

Mr. E. G. Shoup, traffic manager of protestant Peninsular Railway Company, testified as to the service, rates and schedules of his company, 12 round trips daily being operated between Los Gatos and Palo Alto. It is the opinion of this witness that the service offered is not alone adequate but far beyond what is justified by the patronage accorded by the public.

Witnesses for protestant Southern Pacific Company testified regarding the rates, schedules and service of such company. The round trip rates of this protestant are materially lower than the rates proposed by applicant.

We have carefully considered all evidence and exhibits herein presented. The evidence shows, without material contradiction, a desire on the part of the public for through service between San Francisco and Santa Cruz and intermediate points, and objection to the necessity for transfer at junction points. It is our conclusion, and we hereby find

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as a fact, that the record herein justifies the partial granting of the certificate sought that the through service, for which justification has been shown, may be continued.

ORDER.

Public hearings having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion and finding of fact as set forth in the opinion which precedes this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Auto Transit Company, a corporation, of an automobile stage service as a common carrier of passengers not as a new and separate right but as an extension to the service authorized between San Francisco and Santa Cruz for the transportation of passengers:

1. Between San Francisco and Los Gatos and the intermediate points of Menlo Park, Cupertino, and Saratoga.

2. Between Lexington, Alma, Holy City, Summit, Glenwood, Sand Hill, Vine Hill road, Felton road and Santa Cruz; provided, however, that passengers so transported shall be destined to or originate at points on the line of applicant south or east of Santa Cruz, or originate at or be destined to points north of but not including Los Gatos.

3. No authority is hereby conveyed for the transportation of passengers between Los Gatos and Santa Cruz, except as hereinabove authorized in paragraph 2, nor for the transportation of any local business between San Francisco and Cupertino, except that passengers originating at points south of said Cupertino may be discharged at any point north of Cupertino to and including San Francisco; and that passengers originating between San Francisco and Cupertino may be received and transported to points on applicant's lines south of said Cupertino.

It is hereby ordered, that a certificate of public convenience and necessity in accordance with the foregoing declaration be and the same hereby is issued to Auto Transit Company, a corporation, not as a new and separate operative right but in addition to the right now existing between San Francisco and Santa Cruz, and subject to the following conditions:

1. Applicant herein shall file with the Railroad Commission its written acceptance of the certificate herein granted within a period of not to exceed ten days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty days from date hereof, such tariff of rates and time schedules to cover the points named and the conditions hereinabove referred to in the foregoing declaration and to be in form and substance acceptable to this Commission.

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2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this third day of May, 1926.

DECISION No. 16612.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR H. FRASHER, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO AND TULARE, BIOLA, KERMAN, TRANQUILLITY, SAN JOAQUIN AND INTERMEDIATE POINTS.

Application No. 12546.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR G. W. M. COBB, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO AND SUNNYSIDE, CLOTHO, SANGER AND CENTERVILLE.

Application No. 12547.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR HENRY SMITH, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO, SULTANA, OROSI, CUTLER, YETTEM, ORANGE COVE AND INTERMEDIATE POINTS.

Application No. 12548.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR C. L. FORTIER AND SON, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO, DEL REY, PARLIER, REEDLEY AND INTERMEDIATE POINTS.

Application No. 12549.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR GEORGE HARM, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO AND COALINGA.

Application No. 12550.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR GEO. C. SCRIBNER, OWNER OF THE FRESNO AND VISALIA FREIGHT AND EXPRESS LINE, FOR PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY.

Application No. 12551.

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IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR HARM AND FRASHER, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO AND DINUBA AND INTERMEDIATE POINTS.

Application No. 12552.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR J. O. BRAY, FOR AN ORDER GRANTING PERMISSION TO ESTABLISH CLASS RATES AND ADOPT A UNIFORM CLASSIFICATION FOR THE TRANSPORTATION OF PROPERTY BETWEEN FRESNO, CARUTHERS, CAMDEN, RIVERDALE AND LANARE, AND INTERMEDIATE POINTS.

Application No. 12574.

Decided May 3, 1926.

RATES—AUTO TRUCKS—FREIGHT CLASSIFICATION.—Application granted, but such authorization is not to be construed as a finding of the reasonableness of such rates, rules and regulations.

Charles A. Beck and *Lewis A. Monroe*, for Applicant.

BY THE COMMISSION.

OPINION.

These are applications filed by H. Frasher, an individual; G. W. M. Cobb, an individual; Henry Smith, an individual; C. L. Fortier and Son, copartners; George Harm, an individual; Geo. C. Scribner, an individual; Harm and Frasher, copartners, and J. O. Bray, an individual, seeking authority to publish and maintain a scale of class rates, first, second, third and fourth, and to adopt "Monroe's Ship by Truck" freight classification to govern the transportation of property by auto truck between Fresno on the one hand and on the other, various points in the San Joaquin Valley, as more specifically hereinafter described.

The issues involved being similar and the evidence submitted having been, by stipulation, made a part of the record in each proceeding, these applications may be disposed of in one report.

Public hearings were held before Examiner Geary at Fresno, April 27, 1926, and the applications having been duly submitted are now ready for our opinion and order.

Applicants, for a number of years, have been engaged as common carriers of freight between points in the San Joaquin Valley under tariffs lawfully on file with this Commission. H. Frasher serves the territory between Fresno, San Joaquin and Tulare; G. W. M. Cobb between Fresno and Centerville; Henry Smith between Fresno and Yettem; C. L. Fortier and Son between Fresno and Reedley; George Harm between Fresno and Coalinga; Geo. C. Scribner between Fresno and Visalia; Harm and Frasher between Fresno and Dinuba, and J. O. Bray between Fresno and Tulare.

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The record indicates that there are now eleven auto freight lines, including these eight applicants, operating out of the city of Fresno to points in the San Joaquin Valley; all use the same union freight terminal facilities at Fresno and, with the exception of applicants, have in effect a scale of four class rates governed by the classification these applicants desire to adopt.

The movement of traffic over applicants' lines at the present time is primarily under schedules of commodity rates for those commodities moving in volume, while for other articles of minor tonnage a flat rate applying to "freight not otherwise specified" is maintained. The latter designation must necessarily cover innumerable commodities falling within this single classification, manifestly lacking the flexibility to adequately cover articles which from a transportation standpoint are vastly dissimilar. The situation has caused more or less complaint by the shipping public and, likewise, is unsatisfactory to the carriers. A concrete illustration of the inequalities and discriminations flowing from an inadequate classification is shown by a comparison of the rates on flour and on the raw product, wheat, in 3-ton lots via the Frasher line from Fresno to San Joaquin. In the present tariff there is a specific rate of $3 per ton on flour, while on wheat the applicable rate is $4 per ton, the latter commodity falling within the generic classification of "Freight n.o.s.," resulting in a lower rate on the finished product than is in effect on the raw commodity. A converse situation is illustrated by the applicable rates on sand and glassware between the same points where, under the present classification, the carrier is obligated to transport both articles at the same rate of $4 per ton.

The adoption of a scale of class rates and a uniform classification as herein proposed eliminates these inconsistencies and provides a proper and adequate basis for the assessing of the freight charges. Applicants contend that the proposed adjustments are for this purpose and will not increase their operating revenues. This contention appears to be borne out by exhibits giving an analysis of the traffic, submitted for representative periods, showing the results that would have obtained had the proposed adjustments been in effect. In all cases these statements showed a slight decrease in operating revenues for the test periods. The actual increases in individual rates are negligible and the adjustments proposed reflect a conscientious effort on the part of applicants to conform their rate structures to the needs of the shipping public and to fairly distribute the transportation expenses over the various commodities transported.

In addition to the class rates applicants will publish a runout of commodity rates to cover selected commodities moving in large volume between the principal points.

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It is impossible upon this record to determine whether or not the volume of the proposed class rates is reasonable *per se,* particularly with respect to the percentage relationships between the various classes; however, considering that these proceedings are primarily for the purpose of providing a uniform freight classification of commodities that fact should not act as a bar, for the rates *per se* may have our further consideration should a test prove them to be improperly adjusted.

Upon consideration of all the facts of record, we are of the opinion and find that applicants should be authorized to establish and maintain the proposed adjustments and that the applications should be granted.

ORDER.

These applications having been duly submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order, which said opinion is made a part hereof;

It is hereby ordered, that applicants, H. Frasher, an individual; G. W. M. Cobb, an individual; Henry Smith, an individual; C. L. Fortier and Son, copartners; George Harm, an individual; Geo. C. Scribner, an individual; Harm and Frasher, copartners, and J. O. Bray, an individual, be and they are hereby authorized to adopt "Monroe's Ship by Truck" freight classification and to publish, upon not less than ten days' notice to the Commission and to the public, in tariffs constructed in accordance with the rules of the Commission, the rates, rules and regulations set forth in Exhibits "A" of the applications, subject to the following conditions:

That this authorization shall not be construed as a finding by the Commission that the rates, rules and regulations sought to be established are reasonable, *per se.*

Dated at San Francisco, California, this third day of May, 1926.

DECISION No. 16615.

IN THE MATTER OF THE APPLICATION OF RICHARDS TRUCKING AND WAREHOUSE COMPANY, A CORPORATION, FOR A PERMIT RATIFYING THE ISSUANCE AND SALE OF CERTAIN COMMON STOCK AND PREFERRED STOCK, INADVERTENTLY SOLD AND ISSUED AFTER THE EXPIRATION OF THE TIME PREVIOUSLY PERMITTED FOR THE SALE THEREOF; FOR THE RATIFICATION AND AUTHORIZATION OF A CERTAIN LOAN MADE FROM THE BANK OF AMERICA WITHOUT PERMISSION OF THIS COMMISSION BEING FIRST HAD AND OBTAINED; AND FOR RATIFICATION AND AUTHORIZATION OF CERTAIN EXPENSES INCURRED ON THE SALE OF ITS STOCK IN EXCESS OF THE AMOUNT THERETOFORE PERMITTED.

Application No. 12719.

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Decided May 3, 1926.

SECURITIES—STOCK—TO ISSUE—UNAUTHORIZED STOCK.—Richards Trucking and Warehouse Company authorized to issue $4,990 of common stock, and $7,290 of preferred stock in lieu of stock of like par value issued without authorization of the Commission, on condition that unauthorized stock be returned and canceled.

Lawler and Degnan, by *Max Felix*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Richards Trucking and Warehouse Company, a corporation, engaged in business as a public utility warehouseman and as a common carrier of freight in and between Los Angeles and certain other points in southern California and as a local drayage company in Los Angeles, asks:

1. That the issue and sale by it of $4,990 of common stock and $7,290 of preferred stock, made without an order from the Railroad Commission, be ratified, authorized and approved;

2. That the expenditure by it of $2,236 in connection with the sale of its stock, in excess of the amounts allowed by a former order of this Commission, be ratified, authorized and approved; and

3. That the incurring of indebtedness by it in the amount of $46,000 and the creation of a trust to secure the same be ratified, authorized and approved.

By Decision No. 12149, dated May 29, 1923, in Application No. 8929, the Commission authorized Richards Trucking and Warehouse Company to issue and sell, on or before March 31, 1924, $375,000 of common stock and $375,000 of 8 per cent cumulative preferred stock for the purpose of acquiring or constructing additional properties or for such purposes as might be specified in supplemental orders. The record in this proceeding indicates that up to March 31, 1924, under Decision No. 12149, the company had issued $111,275 of common stock and $35,300 of preferred stock, that the time limit was not extended thereafter and that subsequent to March 31, 1924, the company issued in addition $4,990 of common stock and $7,290 of preferred stock, making a total issue of $116,265 of common stock and $42,590 of preferred.

The issue of this additional stock without an order of the Commission then in effect, we believe to be void. It appears to us that the stock was issued, with no intent on the part of the present management to evade the provisions of any act or to violate the order of the Commission. We do not believe, however, that we can make an order ratifying a void act, and in our opinion it will be necessary for the company to cancel the certificates representing the shares of stock illegally issued and to issue new ones in lieu thereof.

Referring again to Decision No. 12149, it appears that the authority

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granted therein provides for the sale of the stock at not less than par, but permits the use of an amount not exceeding 5 per cent of the par value of the preferred stock sold and an amount not exceeding 10 per cent of the par value of the common stock sold to pay commissions and other expenses incident to the sale of the stock. Had the company used the maximum amounts allowed in conection with the sale of the $116,265 of common stock and the $42,590 of preferred, it would have incurred total expenses of $13,756, whereas it reports actual expenditures of $15,992.

The Commission is now asked to ratify, authorize and approve the use of the expenditures of $2,236 in excess of the amounts allowed for commissions and selling expenses. This request will not be granted. In our opinion the $2,236 should be charged to applicant's surplus account. The order herein accordingly will so direct.

At the hearing applicant asked that its application in so far as it involves the issue of the $46,000 note be dismissed without prejudice. As soon as arrangements have been completed to refund such indebtedness, applicant will file a new application.

ORDER.

Richards Trucking and Warehouse Company having applied to the Railroad Commission for an order ratifying, approving and authorizing the issue of stock and a note and the expenditure of stock proceeds, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the application should be granted only as herein provided;

It is hereby ordered, that Richards Trucking and Warehouse Company be and it is hereby authorized to issue; on or before June 30, 1926, not exceeding $4,990 of its common stock and $7,290 of its preferred stock in lieu of the stock of like par value issued subsequent to March 31, 1924, without an order from this Commission, provided:

1. That the certificates representing the shares of stock issued without an order be returned to applicant and canceled; and

2. That applicant keep such record of the issue and delivery of the stock herein authorized as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that Richards Trucking and Warehouse Company, within thirty days from the date of this order, shall make an entry on its books of account charging Account 163 "Surplus or deficit," and crediting Account 109 "Other debit accounts" with the sum of $2,236, representing expenditures for commissions and stock selling expenses in excess of the amounts allowed in Decision No. 12149,

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and shall file with the Commission a statement indicating that such entry has been made.

It is hereby further ordered, that the application in so far as it asks for an order ratifying, authorizing and approving the incurring of indebtedness and the creation of a trust be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this third day of May, 1926.

DECISION No. 16617.

IN THE MATTER OF THE APPLICATION OF THE PICKWICK STAGES SYSTEM FOR AN ORDER GRANTING PERMISSION TO PUBLISH AND FILE JOINT FARES BETWEEN VARIOUS POINTS ON ITS SYSTEM AND POINTS ON RANDSBURG TRANSIT COMPANY'S LINE.

Application No. 12597.

Decided May 3, 1926.

RATES—AUTO STAGES—JOINT FARES.—Authority granted Pickwick Stages System and Randsburg Transit Company to publish joint one-way fares between points served on their respective routes.

Warren E. Libby, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by the Pickwick Stages System, on behalf of itself and the Randsburg Transit Company, seeking authority to establish joint one-way passenger fares, as specifically set forth in Exhibit "A" of the application, between Atolia, Osdick, Johannesburg, Randsburg and Searles served by the Randsburg Transit Company on the one hand and on the other, Los Angeles, Saugus, Santa Barbara, Santa Maria, Bakersfield, Famoso, Paso Robles, San Luis Obispo and points intermediate served by the Pickwick Stages System.

A public hearing was held before Examiner Geary at Los Angeles April 23 and the application having been duly submitted is now ready for our opinion and order.

The proposed fares as set forth in the application are based on the full combination of local fares of the two companies.

A witness for the applicants testified there has been a continual demand for the sale of joint tickets and that the establishment of a through route via these carriers and the sale of joint tickets would be a decided advantage to the traveling public.

It is not proposed to change in any manner the physical operation of the auto busses and passengers will be transferred at the junction point of the carriers as at the present time. The joint fares will meet a public convenience by eliminating the necessity of purchasing separate tickets. As a matter of fact the two auto stage companies, acting

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for each other and having supplied local agents with tickets of the individual lines, are now selling through transportation by use of separate tickets. The effect of the granting of this application will be merely to sell one ticket instead of two.

Upon consideration of the facts of record we are of the opinion there is a necessity for the publication of joint fares and that the application should be granted.

ORDER.

A public hearing having been held in the above entitled proceeding, evidence having been submitted by the applicants, and the Commission being fully advised:

The Railroad Commission of the State of California hereby declares that there is a necessity for the publication of joint one-way passenger fares, as set forth in Exhibit "A" of the application, between Atolia, Osdick, Johannesburg, Randsburg and Searles on the one hand and on the other, Saugus, Los Angeles, Santa Barbara, Santa Maria, Bakersfield, Famoso, Paso Robles, San Luis Obispo and points intermediate.

It is hereby ordered, that applicants, Pickwick Stages System and Randsburg Transit Company, be and they are hereby authorized to publish and file tariffs setting forth the joint fares to be assessed over this through route, such fares to be the same as set forth in Exhibit "A" of the application.

Dated at San Francisco, California, this third day of May, 1926.

DECISION No. 16624.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM, A CORPORATION, FOR AN ORDER PERMITTING IT TO ISSUE THREE HUNDRED THOUSAND DOLLARS OF EQUIPMENT TRUST CERTIFICATES.

Application No. 12067.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF CAPITAL STOCK IN THE SUM OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS.

Application No. 12068.

Decided May 3, 1926.

SECURITIES—EQUIPMENT TRUST CERTIFICATES—TO ISSUE.—Amendment of equipment trust agreement, heretofore authorized, to provide for two 26-passenger sedan type stages, instead of two 28-passenger pay-as-you-enter stages, approved. Issuance of balance of stock and equipment trust certificates authorized, as provided in Decision No. 15807.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

In the above entitled matters filed with the Commission on November 18, 1925, Pickwick Stages System, a corporation, applied for an

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order authorizing the issue and sale, at par, of $325,000 of common capital stock and the issue and sale, at 95, of $300,000 of 7 per cent serial equipment trust certificates due in equal annual installments of $60,000 during the years 1927 to 1931, both inclusive, and to use the proceeds for the purpose of financing the cost of additional equipment as follows:

Ten 30-passenger intercity type stages at $11,000 each	$110,000 00
Eight parlor buffet type stages at $15,000 each	120,000 00
Fourteen 22-passenger intercity type stages, with individual seats, at $10,000 each	140,000 00
Fifteen 18-passenger intercity type stages at $9,000 each	135,000 00
Nine 14-passenger intercity type stages at $8,250 each	74,250 00
Two 28-passenger pay-as-you-enter type stages at $11,000 each	22,000 00
Total	$601,250 00

It developed at the hearing held on the original applications on December 21, 1925, that a portion of said equipment, costing about $300,000, would be acquired on or before June 30, 1926. The decision of the Commission, No. 15807, dated December 29, 1925, authorized the issue and sale of $175,000 of stock and the issue of $150,000 of certificates to provide in part the cost of said equipment, and recited that the issue of the remainder of the stock and certificates applied for would be considered in a supplemental order.

The company now asks, in supplemental applications filed on April 20, 1926, for a further order authorizing the issue of the remaining $150,000 of stock and $150,000 of certificates originally applied for in these proceedings. It reports that up to March 31, 1926, there had been issued $147,650 of the stock and $138,000 of the certificates authorized by Decision No. 15807, that $278,750 was received by the company and that this amount was used to finance in part the cost of the following equipment:

Seven 30-passenger intercity stages at $11,000 each	$77,000 00
Nine 22-passenger intercity stages at $10,000 each	90,000 00
Four 18-passenger stages at $9,000 each	36,000 00
Nine 14-passenger intercity type stages at $8,250 each	74,250 00
Total	$277,250 00

The company reports, in its supplemental petition, that on account of disposing of some of its local lines it has decided to acquire two 26-passenger sedan type motor coaches instead of the two 28-passenger pay-as-you-enter type stages, at the same price. It reports that these two stages have been built and are now ready for delivery, that within the next ten days several of the 22-passenger stages and the 18-passenger stages will also be ready for delivery, and that within the next three months the remainder of the equipment will be delivered. It therefore asks to be allowed to issue the remaining stock and certificates at this time.

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The Commission has given consideration to the supplemental applications and is of the opinion that this is a matter in which a further hearing is not necessary and that the money, property or labor to be procured or paid for through the issue of the stock and certificates is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income.

It is hereby ordered, that Pickwick Stages System be and it is hereby authorized to amend the equipment trust agreement and the lease agreement executed pursuant to the authority granted in Decision No. 15807, dated December 29, 1925, by substituting two 26-passenger sedan type motor coaches, costing about $11,000 each, for two 28-passenger pay-as-you-enter type stages costing about $11,000 each.

It is hereby further ordered, that Pickwick Stages System be and it is hereby authorized to issue and sell, at not less than par, $150,000 of its common capital stock and to assume or guarantee the payment of not exceeding $150,000 of 7 per cent serial equipment trust certificates to be issued pursuant to the equipment trust agreement and lease agreement referred to in said Decision No. 15807, dated December 29, 1925.

The authority herein granted is subject to the following conditions:

1. The equipment trust certificates shall be sold at not less than 95 per cent of face value plus accrued interest and the proceeds, other than accrued interest, together with the proceeds from the sale of the stock herein authorized, used to pay in part the cost of the equipment to which reference is made in the foregoing opinion. The accrued interest may be used for general corporate purposes.

2. Applicant shall keep such record of the issue, sale and delivery of the stock and certificates and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has paid the fee prescribed by section 6 of the Auto Stage and Truck Transportation Act, and section 57 of the Public Utilities Act, which fee is $150. Under such authority no stock or certificates may be issued after December 31, 1926.

Dated at San Francisco, California, this third day of May, 1926.

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DECISION No. 16637.

IN THE MATTER OF THE APPLICATION OF ERIKSON NAVIGATION COMPANY FOR AUTHORITY TO INCREASE CERTAIN RATES.

Application No. 11468.

Decided May 4, 1926.

RATES—CARRIER BY WATER—GRAIN.—Increase in the rate on grain moving from points on Sacramento River, south of Sacramento, and on San Joaquin River west of Stockton, to San Francisco, Oakland and Petaluma, from $2 per ton to $2.20 per ton, authorized.

Sanborn, Rochl and Smith, for the Applicant.
Seth Mann, for San Francisco Chamber of Commerce.
Edson Abel, for California Farm Bureau Federation, Protestant.
E. W. Hollingsworth, for Golden Eagle Milling Company, George P. McNear and Company, Coulson Stock Food Company, Protestants, and Oakland Chamber of Commerce.
C. S. Connelly, for Albers Bros. Milling Company, Intervener.
M. J. McCarthy, for Sperry Flour Company, Protestant.

BY THE COMMISSION.

OPINION.

In this proceeding Erikson Navigation Company, a corporation engaged as a common carrier in operating vessels between points on the Sacramento and San Joaquin rivers and their tributaries and San Francisco and intermediate points, has applied under section 63 (*a*) of the Public Utilities Act, for permission to increase its rates on grain from points on the Sacramento River, south of Sacramento, and on the San Joaquin River, west of Stockton, to San Francisco, Oakland and Petaluma from $2 per ton to $2.20 per ton. The existing minimum of 40,000 pounds will not be disturbed.

A public hearing was held before Examiner Austin at San Francisco on October 13, 1925, when evidence was offered and the matter was submitted on briefs to be filed thereafter, and on the furnishing of certain data by applicant, which has since been supplied. At the hearing appearances were entered by San Francisco Chamber of Commerce, Oakland Chamber of Commerce, California Farm Bureau Federation, Golden Eagle Milling Company, George P. McNear and Company, Coulson Stock Food Company, Sperry Flour Company, and Albers Milling Company.

From the evidence offered by applicant it appears that its grain rates formerly maintained from lower Sacramento and San Joaquin river points to San Francisco and Oakland were $2.20 per ton, and to Petaluma $2.40 per ton. Upon information that the grain rates generally were to be lowered, applicant without adequate investigation reduced these rates, effective July 28, 1924, to $2 per ton. The reduction in the Petaluma rates was influenced to some extent by unlawful rate manipulation said to have been indulged in by other boat lines.

As a result of this reduction it is asserted that applicant operated

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at a loss, which during July, 1925, amounted to $1,500 and in August, 1925, $1,569, these amounts representing net loss after charging to the grain traffic its direct proportion of operating costs. During the same period in 1924 its profits were $2,200. The grain movement is at its peak during this period, the movement occurring throughout July, August and September.

In recent years operations have become more expensive, due to the greater number of landings along the river caused by the subdividing of the larger farms, which requires more time for loading shipments. At San Francisco more landings are necessary than formerly in order to discharge the barges, and at Petaluma tidal conditions interfere with operations. This causes delays and consequent expenses. At Port Costa and Vallejo, where no change is proposed in the present $2 rates, the points of delivery are not widely separated, as at San Francisco, consequently deliveries can be completed more expeditiously.

Protestants pointed to the large volume of beets handled by applicant at lower rates. This moves between August 15th and December 1st, largely in leased barges devoted entirely to this service. The rate of $1 per ton, minimum 50 tons, provides for shipper's load and discharge, with loading and unloading time guaranteed. The running time is shorter than on grain, most of the beets being delivered at Tracy, and the quantity handled is greater than any other commodity. Even under these favorable conditions applicant suffered a loss of $596 on its beet operations during July, 1925. Reference was also made to a rate of $1.25 per ton proposed to be established by applicant on bulk grain from the Sacramento River to Oakland. Here, however, applicant will save the cost of loading and unloading in sacks (estimated at $1 per ton), through handling the grain with suction pumps; in addition a guaranteed minimum as to time required for loading, unloading and transportation will be exacted. This rate has not been established, being merely in contemplation, and is dependent on the result of negotiations with the shippers.

Protestants also referred to certain competitive rates lower than those proposed, asserting that due to these applicant will be unable to handle the business. Among them is the rail rate of $2.10 per ton, minimum 60,000 pounds, on whole grain from Sacramento to San Francisco. This does not cover the cost of loading and unloading from warehouse to car and from car to warehouse which will exceed the differential of 10 cents per ton, all such loading and unloading service being included in applicant's $2.20 rate. Most of the river lines observe a rate of $2.20 per ton on grain. As to those which maintain lower rates, applicant does not care to meet their competition, which would require him to operate at a loss.

Grain constitutes a substantial part of applicant's tonnage. Accord-

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ing to a statement filed since the hearing covering the movement of certain commodities, not including beets, during the period June to September, inclusive, in both 1924 and 1925, applicant handled 4319 tons of grain in 1924, and 7523 tons in 1925, which constituted 43.3 per cent of the total tonnage in 1924 and 60.2 per cent of the same in 1925. This bears out applicant's contention that the loss suffered in 1925 is largely attributable to grain.

By way of comparison, protestants referred to the rate of $2 per ton on grain maintained by Island Transportation Co. from Rio Vista west. Applicant explained that Rio Vista is the breaking point, and that in this respect its rates will be identical. Protestants also referred to the rates published by California Transportation Co. in items 120 and 124, Tariff C. R. C. 48, effective May 7, 1924, on whole grain in lots not less than 40,000 pounds, from San Joaquin points, as follows:

Item 120	*Rate per ton*
To San Francisco and Port Costa from:	
Wakefield	$1 80
Elmwood Tract, off main river	2 25
Wright, off main river	2 25
Ridge	1 80
Ridge, off main river	2 25
Black Slough	1 80
Venice Island, main river	1 80
Item 124	
To San Francisco and Port Costa from:	
Bouldin Island (main river)	$1 80
Bradford Tract (main river)	1 80
Jersey Tract (main river)	1 80
Sherman Island (main river)	1 80
Los Medanos (main river)	1 80
Piper Slough	2 25

Since protestants failed to show any similarity of circcumstances and conditions incident to the handling of this traffic by the carriers involved, we can give this evidence no weight in determining the reasonableness of the rates proposed by applicant. At most, it is merely a tariff study.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that applicant has justified the proposed increases in its rates, and that the application should be granted.

An order will be entered accordingly.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the preceding opinion, which is hereby referred to and made a part hereof;

It is hereby ordered, that the application of Erikson Navigation

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Company (a corporation) be and the same is hereby granted and said applicant is hereby authorized to establish on 15 days notice to the Commission and to the public a rate on grain from points on the Sacramento River south of Sacramento and on the San Joaquin River west of Stockton, to San Francisco, Oakland and Petaluma, respectively, of $2.20 per ton of 2000 pounds, minimum 40,000 pounds.

Dated at San Francisco, California, this fourth day of May, 1926.

DECISION No. 16638.

IN THE MATTER OF THE APPLICATION OF ERNEST R. STELTER, AN INDIVIDUAL, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF PROPERTY, FOR COMPENSATION, BETWEEN POINTS UPON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 12640

Decided May 4, 1926.

CERTIFICATE—CARRIER BY WATER—INLAND WATERS.—Certificate granted to Ernest R. Stelter to operate the gasoline schooner *Covina* for the transportation of specified commodities on the Sacramento and San Joaquin rivers and San Francisco Bay.

Sanborn and Roehl and DeLancey C. Smith, for Applicant.
Gwyn H. Baker and *H. M. Wade*, for Berkeley Transportation Company, Bay Cities Transportation Company, E. V. Rideout Company, Harbor Tug and Barge Company, Richmond Navigation and Improvement Company, San Rafael Freight and Transfer Company, Ayres-Whiteside Transportation Company and Erikson Navigation Company.
E. H. Maggard and *Donald Geary*, for Petaluma-Santa Rosa Railroad Company.
Benjamin Walters, for Island Transportation Company.
A. A. Bowman, for California Navigation Company.
L. H. Rodebaugh, for San Francisco-Sacramento Railroad Company.
J. J. Geary, for Northwestern Pacific Railroad Company.
G. G. Wright, for Vehmeyer Transportation Company, Nichols Transportation Company, Merchants Transportation Company, Wheeler Transportation Company, Wood and Seitz, Empire Barge Company, Stockton Transportation Company, Higgins Transportation Company, Silveira Transportation Company.

BY THE COMMISSION.

OPINION.

Ernest R. Stelter, an individual, by application filed March 17, 1926, and as amended, applies under the provisions of paragraph (*d*), section 50, of the Public Utilities Act for a certificate of public convenience and necessity to operate the gas schooner *Covina* for the transportation of (a) hay between points on the San Joaquin and Sacramento rivers and the tributaries thereof west of Stockton and Sacramento on the one hand and on the other, points on the bay of San Francisco and its tributaries, and (b) lumber from San Francisco, Oakland, Alameda and Berkeley to Walnut Grove.

A public hearing was held before Examiner Geary at San Francisco April 20, 1926, and the case having been duly submitted is now ready for our opinion and order.

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Under the terms of the original application authority was requested to operate vessels between practically all points on the bays of San Francisco, Suisun and San Pablo and on the San Joaquin, Sacramento, Mokelumne, Old and Middle rivers, but in view of the protests by competing rail and water carriers the application was amended to embrace only the operations specifically described in the preceding paragraph and confined only to the schooner *Covina*. Protestants withdrew all objections to the application after the same had been amended.

The record shows that applicant purchased the schooner *Covina* from L. E. Pyle in May, 1925, upon the assumption that the purchase of the boat carried with it the right to continue the common carrier operations of the said Pyle. For a number of years prior to May, 1925, Pyle had been operating the schooner under tariffs lawfully on file with this Commission and although these tariffs named rates for practically all commodities and between all points in bay and river districts, the evidence is to the effect that the principal service rendered was the transportation of hay and sporadic shipments of lumber, onions, potatoes and crushed shells.

Witnesses for applicant, engaged in the hay and grain business, testified that during the peak period of the season they were often confronted with a shortage of boats suitable for the handling and transportation of hay and that the proposed service of this applicant, which is only a continuation of the common carrier service of the former owner of the vessel, is a necessity and convenience. Eleven letters were received from prominent hay shippers, all urging the granting of a certificate.

Upon consideration of all the facts of record we are of the opinion and find as a fact that public convenience and necessity require the operation by applicant of the schooner *Covina* for the transportation of (a) hay between points on the San Joaquin and Sacramento rivers and the tributaries thereof west of Stockton and Sacramento on the one hand and on the other, points on the bay of San Francisco and its tributaries, and (b) lumber from San Francisco, Oakland, Alameda and Berkeley to Walnut Grove and that the application, as amended, should be granted.

ORDER.

A public hearing having been held in the above entitled proceeding, the application having been submitted and now being ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by applicant, Ernest R. Stelter, an individual, of the schooner *Covina* for the transportation of (a) hay between points on the San Joaquin and

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Sacramento rivers and the tributaries thereof west of Stockton and Sacramento on the one hand and on the other, points on the bay of San Francisco and its tributaries, and (b) lumber from San Francisco, Oakland, Alameda and Berkeley to Walnut Grove.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted subject to the following conditions:

Applicant shall file, within twenty days from the date hereof, a tariff constructed according to the rules of this Commission setting forth the rates, rules and regulations governing the transportation of property which shall be in harmony with those set forth in Exhibit "B" of the application, as amended at the hearing.

Dated at San Francisco, California, this fourth day of May, 1926.

DECISION NO. 16639.

IN THE MATTER OF THE APPLICATION OF HENRIK ARTUR TROBERG, AN INDIVIDUAL, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF HAY, FOR COMPENSATION, BETWEEN POINTS UPON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 12646.

Decided May 4, 1926.

CERTIFICATE—CARRIER BY WATER—INLAND WATERS.—Certificate granted to applicant to operate the motor boat *Frank Lawrence* for the transportation of hay on the Sacramento and San Joaquin rivers and on San Francisco Bay.

Bell and Simmons, for Applicant.
Gwyn H. Baker and *H. M. Wade*, for Berkeley Transportation Company, Bay Cities Transportation Company, E. V. Rideout Company, Harbor Tug and Barge Company, Richmond Navigation and Improvement Company, San Rafael Freight and Transfer Company, Ayres-Whiteside Transportation Company and Erikson Navigation Company.
Benjamin J. Walters, for Island Transportation Company.
E. H. Maggard and *Donald Geary*, for Petaluma-Santa Rosa Railroad Company.
H. H. Sanborn, for Sacramento Navigation Company
A. A. Bowman, for California Navigation Company.
L. H. Rodebaugh, for San Francisco-Sacramento Railroad Company.
G. G. Wright, for Vehmeyer Transportation Company, Nichols Transportation Company, Merchants Transportation Company, Wheeler Transportation Company, Wood and Seitz, Empire Barge Company, Stockton Transportation Company, Silveira Transportation Company.

BY THE COMMISSION.

OPINION.

By application filed April 7, 1926, and as subsequently amended, Henrik Artur Troberg, an individual, applies for a certificate of public convenience and necessity to operate the gasoline motor boat *Frank Lawrence* for the transportation of hay between points on the Sacramento and San Joaquin rivers west of Sacramento and Stockton on the

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one hand and on the other, points on the bay of San Francisco and its tributaries.

A public hearing was held before Examiner Geary at San Francisco April 20, 1926, and the case having been duly submitted is now ready for our opinion and order.

Applicant for the past 13 years has been employed by water carriers engaged in the transportation of hay in the San Francisco Bay districts and recently purchased the gasoline motor boat *Frank Lawrence,* which vessel until March 1, 1926, had been operated by Jens Peter Christensen in the same line of business under tariffs lawfully on file with this Commission. The evidence indicates that the boat purchased by this applicant has been utilized to transport hay since its construction approximately 40 years ago and this application is for the purpose of continuing the operation. It appears the boat was purchased under the belief that the operative right held by its former owner would be transferred, but since section 50 (*d*) of the Public Utilities Act does not confer authority to transfer operative rights, a new certificate of public convenience and necessity is required.

Witnesses for applicant, engaged in the hay and grain business, testified there was often a shortage of boats during the peak of the hay season, particularly of the type of boat applicant proposes to operate, which, because of its light draught, is able to reach points not accessible to other types of vessels.

The Island Transportation Company and other competing water carriers protested the granting of the application upon the ground that the existing companies are equipped to handle the traffic, but they presented no testimony. In view of the fact that the proposed operations will be a continuation of a service rendered for many years these protests without testimonial proof are without merit.

Upon consideration of all the facts of record we are of the opinion and find that public convenience and necessity require the operation by applicant of the gasoline motor boat *Frank Lawrence* for the transportation of hay between points on the Sacramento and San Joaquin rivers and the tributaries thereof west of Sacramento and Stockton on the one hand and on the other, points on the bay of San Francisco and its tributaries.

ORDER.

A public hearing having been held in the above entitled proceeding, the application having been submitted and now being ready for a decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by applicant, Henrik Artur Troberg, of the gasoline motor boat *Frank Lawrence* for the transportation of hay between points on the Sacramento and San

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Joaquin rivers and their tributaries west of Sacramento and Stockton on the one hand and on the other, points on the bay of San Francisco and its tributaries.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted subject to the following conditions:

That applicant, before beginning operations, shall publish and file a tariff constructed according to the rules of this Commission setting forth the rates, rules and regulations governing the transportation of hay, which shall be those shown in Exhibit "A" and as amended, attached to the application, in so far as they apply to the operations herein authorized.

Dated at San Francisco, California, this fourth day of May, 1926.

DECISION No. 16641.

CLOVER VALLEY LUMBER COMPANY

vs.

WESTERN PACIFIC RAILROAD COMPANY.

Case No. 2162.

Decided May 4, 1926.

RATES—STEAM RAILROAD—SAND—REPARATION.—Rates collected by defendant for the transportation of sand from Marysville to Loyalton declared unreasonable to the extent they exceeded 7½ cents per 100 pounds. Reparation awarded.

A. Larsson, for Complainant.
James S. Moore, Jr., for Defendant.
W. O. Banks, for Standard Oil Company.
N. E. Keller, for Pacific Portland Cement Company, Consolidated, and on behalf of *James A. Keller,* for Coast Rock and Gravel Company.

BY THE COMMISSION.

OPINION.

Complainant is a corporation engaged in the manufacture and sale of lumber and its products with its principal place of business at Loyalton, California. By complaint filed August 28, 1925, it is alleged that the rate assessed by defendant for the transportation of two carloads of sand moving from Marysville to Loyalton during the period from April 26, 1923, to July 21, 1923, was unreasonable to the extent it exceeded 7½ cents per 100 pounds. The shipments involved in this proceeding were registered with the Commission on April 2, 1925, File I. C. 32662, thus staying the statute of limitations.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

A public hearing was held at San Francisco October 29, 1925, and the case having been duly submitted is now ready for an opinion and order.

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Marysville is on the main line of defendant, and Loyalton on a branch line extending southeast from Hawley. The distance between the two points is 161 miles. The rate assessed and collected was 15 cents, a combination of class and commodity rates over Hawley, the factors being from Marysville to Hawley, a commodity rate of 8 cents in effect from Marysville to Gerlach, Nevada, applied as maximum at Hawley, and Class E rate of 7 cents from Hawley to Loyalton. Some doubt was expressed at the hearing as to whether or not the 8 cent commodity rate from Marysvville to Gerlach, Nevada, was lawfully applicable at intermediate points in California. This rate was published in defendant's Local, Joint and Proportional Freight Tariff No. 36-F, on file with both this Commission and the Interstate Commerce Commission. In item 20 of the tariff there is a provision for the application of rates to unnamed intermediate points, which reads:

> COMMODITY RATES.—Except as otherwise specifically provided in connection with individual rates, rates named in this tariff will, in the absence of specific commodity rates, apply to directly intermediate points.

There was no published commodity rate on sand from Marysville to Hawley, but by the provisions of item 20 there was expressly placed in effect at the latter point and at other unnamed points the commodity rate to the more distant point and the rates so established were as specific as though they had been actually published to the intermediate points. The Marysville-Gerlach rate was used as a basis at intermediate points in California and the mere fact that it also applied between interstate points can not be construed to nullify the specific provisions of item 20. We therefore conclude and find that under the tariff the 8 cent rate from Marysville to Gerlach, Nevada, could not lawfully be exceeded at Hawley, California, and that the charges were correctly assessed and collected by defendant.

Effective March 24, 1924, defendant established on sand, from Marysville to Loyalton, the rate here sought by complainant, namely, 7½ cents.

Complainant contends that the subsequently established rate was reasonable for the service performed at the time the shipments moved and in support of its contention directs attention to the concurrently effective rates on sand of 8 cents from Marysville to Reno, 196 miles; 7 cents from Oroville to Reno, 169½ miles, and 7½ cents Thomasson to Truckee and Floriston, 162 and 177 miles, respectively. The first named rates apply via defendant's line and the latter via the Southern Pacific Company.

Complainant also directs attention to the distance scale of rates on sand maintained by defendant and the Southern Pacific Company in the territory west of Oroville, and to the basis on the Southern Pacific to points in the Sierra Nevada Mountains, where the distance scale is

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used, predicated on a constructive mileage of 150 per cent for that portion of the haul east of Roseville. Complainant also contends that if this distance scale were applied to the traffic here involved, using the actual mileage Marysville to Oroville and constructive mileage of 150 per cent Oroville to Loyalton, the rate so made would be 7½ cents.

Defendant interposed no defense with respect to complainant's allegations that the rate assessed was unreasonable; it did urge, however, that this Commission, by formal finding in Application No. 5728, Decision No. 7983, dated August 17, 1920, had declared as reasonable the factors from which the rate here in question was made, hence that under the provisions of amended section 71 of the Public Utilities Act was without authority to award reparation. Subsequent to the hearing defendant, by written request dated April 1, 1926, withdrew its plea that this Commission was without jurisdiction to award reparation in this particular situation.

Upon consideration of all the facts of record we are of the opinion and find that the assailed rate was unreasonable to the extent it exceeded the subsequently established rate of 7½ cents; that complainant paid and bore the charges on the shipments in question and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rate herein found reasonable and that it is entitled to reparation, with interest.

The amount of reparation due can not be determined on this record. Complainant should submit a statement of the shipments to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be submitted to the Commission for further attention and the entry of a supplemental order, should such be necessary.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, Western Pacific Railroad Company, be and it is hereby authorized and directed to refund, with interest, to complainant, Clover Valley Lumber Company, all charges it may have collected on two carloads of sand moving from Marysville to Loyalton during the period from April 26, 1923, to July 21, 1923, involved in this proceeding, in the amount of the difference between the charges paid and those that would have accrued at the subsequently established rate of 7½ cents per 100 pounds.

Dated at San Francisco, California, this fourth day of May, 1926.

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DECISION No. 16644.

IN THE MATTER OF THE APPLICATION OF LAWRENCE WAREHOUSE COMPANY, A CORPORATION, TO PURCHASE STOCK OF THE ERIKSON NAVIGATION COMPANY.

Application No. 12761.
Decided May 4, 1926.

SECURITIES—STOCK—TO PURCHASE.—Application granted.

Sanborn and Rochl and DeLancey C. Smith, for Applicant.

BY THE COMMISSION.

ORDER.

Lawrence Warehouse Company asks permission to purchase $8,500 par value of the common stock of the Erikson Navigation Company at a cost of $8,191.67.

The Erikson Navigation Company reports $8,500 of stock outstanding. It therefore appears that the Lawrence Warehouse Company proposes to acquire all of the outstanding stock of Erikson Navigation Company. Section 51 (*b*) of the Public Utilities Act provides that no public utility may purchase, acquire, take or hold any part of the capital stock of any other public utility without having been first authorized to do so by the Commission.

The Commission has considered the request of the Lawrence Warehouse Company and believes that this is not a matter in which a public hearing is necessary and that such request should be granted; therefore,

It is hereby ordered, that Lawrence Warehouse Company be and it is hereby authorized to acquire, take and hold $8,500 par value of stock of the Erikson Navigation Company at a cost of not exceeding $8,191.67.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this fourth day of May, 1926.

DECISION No. 16645.

IN THE MATTER OF THE APPLICATION OF LAWRENCE WAREHOUSE COMPANY, A CORPORATION, TO PURCHASE STOCK OF BAY CITIES TRANSPORTATION COMPANY.

Application No. 12762.
Decided May 4, 1926.

SECURITIES—STOCK—TO PURCHASE.—Application granted.

Sanborn and Rochl and DeLancey C. Smith, for Applicant.

BY THE COMMISSION.

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ORDER.

Lawrence Warehouse Company asks permission to purchase $34,702 par value of the common stock of the Bay Cities Transportation Company at a cost of $27,727.73.

The Bay Cities Transportation Company reports $94,405 of stock outstanding. Section 51 (*b*) of the Public Utilities Act provides that no public utility may purchase, acquire, take or hold any part of the capital stock of any other public utility without having been first authorized to do so by the Commission.

The Commission has considered the request of the Lawrence Warehouse Company and believes that this is not a matter in which a public hearing is necessary and that such request should be granted; therefore,

It is hereby ordered, that Lawrence Warehouse Company be and it is hereby authorized to acquire, take and hold $34,702 par value of stock of the Bay Cities Transportation Company at a cost of not exceeding $27,727.73.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this fourth day of May, 1926.

DECISION No. 16651.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA UTILITIES, INCORPORATED, AND SOUTH LOS ANGELES LAND AND WATER COMPANY FOR AUTHORITY FOR THE SOUTHERN CALIFORNIA UTILITIES, INCORPORATED, TO PURCHASE THE PROPERTIES OF THE SOUTH LOS ANGELES LAND AND WATER COMPANY AND FOR THE LATTER COMPANY TO SELL ITS PROPERTIES, AND FOR AUTHORITY FOR THE SOUTHERN CALIFORNIA UTILITIES, INCORPORATED, TO ISSUE SHARES OF ITS COMMON STOCK OF THE PAR VALUE OF THREE HUNDRED THOUSAND DOLLARS AND ITS FIRST MORTGAGE BONDS OF THE FACE VALUE OF THREE HUNDRED FIFTY THOUSAND DOLLARS.

Application No. 12587.

Decided May 4, 1926.

TRANSFER—WATER UTILITY—STOCK AND BONDS—TO ISSUE.—Application granted.

Thomas F. Hinds, for Applicant.

BY THE COMMISSION.

OPINION.

South Los Angeles Land and Water Company asks permission to sell all of its pubilc utility properties to the Southern California Utilities, Inc. The Southern California Utilities, Inc., asks permission to purchase such properties and operate the same and issue $300,000 of common stock and $350,000 of 6½ per cent bonds due April 1, 1946, for the purposes hereinafter stated.

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The South Los Angeles Land and Water Company serves with water a territory which comprises the greater part of the city of Vernon and that part of Los Angeles County bounded by Slauson avenue on the north, Manchester avenue on the south, Central avenue on the west and Alameda street on the east. The territory in Los Angeles County is largely residential, while that in the city of Vernon is primarily industrial. It is said that the district has a population of about 25,000, the majority of which are served with water by the South Los Angeles Land and Water Company. It should be said, however, that some industries in the city of Vernon have their own water supply or obtain their water from some one other than South Los Angeles Land and Water Company.

The distributing system of the South Los Angeles Land and Water Company consists of three principal units, these being the Huntington Park plant, the Vernon plant and the Goodyear plant. The Huntington Park plant is located on Laura street east of Alameda street in the city of Huntington Park. At this plant twelve wells have been drilled, six of which are in active use at the present time, one has been abandoned, and five, while not in active use, are in such condition that they may be connected at any time, should the necessity arise. There is at this plant a concrete collecting reservoir of 210,000 gallons capacity, to which has been added a concrete settling basin and sandtrap. Water is pumped from all of the wells by electrically driven deep well turbines into the settling basin, from whence it flows into the collecting reservoir. It is then lifted by two electrically driven horizontal turbine pumps into two redwood tanks on fifty-foot tower structures, one tank being of 50,000 gallons capacity, the other 75,000 gallons. The distribution from the redwood tanks is effected by gravity. If necessary, water can be pumped directly into the redwood tanks from the wells or directly into the mains from the wells or into the mains from the collecting reservoir.

The Vernon plant of the South Los Angeles Land and Water Company is located at the southeast corner of Ross street and thirty-seventh street in the city of Vernon. At this plant two wells have been drilled, both of which are in active service at the present time. The concrete collecting reservoir has a capacity of 180,400 gallons, which is connected with a 50,000 gallon redwood tank on a sixty-foot tower structure. Water is pumped from the wells by deep well turbines into a concrete collecting reservoir, from which it is lifted by a direct connected six-inch horizontal booster pump into the redwood distribution tank. Water may be pumped from the wells directly into the redwood tank or directly into the mains, or directly into the mains by the booster pump.

The Goodyear plant is located on sixty-first street east of Central

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avenue in Los Angeles County. At this plant there is a twelve-inch well which is pumped by a Layne and Bowler pump directly connected to an electric motor. Water is pumped from the well and lifted into a 25,000 gallon redwood tank on a sixty-foot tower structure, from which it is distributed by gravity. Water may be pumped directly into the mains from the well.

The distributing system of the South Los Angeles Land and Water Company comprises approximately 75 miles of mains. Connected to this distribution system are 6112 services, of which 5766 are metered, and 356 are unmetered. The pressure of the service area ranges from twenty to fifty pounds, dependent upon the location.

Applicants in their Exhibit "A" report the estimated historical cost of the properties at $955,433, the estimated original reproduction cost of the properties at $1,099,831 and the estimated reproduction cost new less depreciation $908,909. The different items making up these totals are submitted as follows:

Item	*Historical cost*	*Reproduction cost*	*Reproduction cost depreciated*
Organization	$5,000 00	$5,000 00	$5,000 00
Franchises	1,200 00	1,200 00	1,200 00
Water rights	277,500 00	277,500 00	277,500 00
Landed capital	107,855 00	107,855 00	107,855 00
Buildings, structures and grounds	11,636 00	18,344 00	10,469 00
Wells	23,191 00	32,593 00	22,361 00
Collecting reservoirs	10,305 00	15,000 00	15,522 00
Pumping equipment	44,148 00	51,747 00	40,602 00
Miscellaneous distribution equipment	3,121 00	3,675 00	2,621 00
Purification system	748 00	758 00	743 00
Distribution mains	295,789 00	387,862 00	271,580 00
Distribution tanks and reservoirs	18,839 00	21,900 00	16,970 00
Hydrants	8,677 00	8,814 00	8,508 00
Services	57,026 00	63,727 00	47,133 00
Meters	83,371 00	96,806 00	76,295 00
General office equipment	4,477 00	4,500 00	4,000 00
General shop equipment	550 00	550 00	550 00
Materials and supplies	2,000 00	2,000 00	2,000 00
Totals	$955,433 00	$1,099,831 00	$908,909 00

It will be noted that a value of $277,500 has been assigned to water rights. The record, in our opinion, does not support such a value, nor is it necessary for the Commission in this proceeding to determine definitely what value, if any, should be placed on the right of South Los Angeles Land and Water Company to pump water.

The Southern California Utilities, Inc., was organized during January, 1926, with an authorized capital stock of $1,000,000 divided into 10,000 shares of the par value of $100 each. It proposes to acquire all of the public utility and other properties of the South Los Angeles Land and Water Company by delivering to such company $300,000 of

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its common stock, and $282,000 in cash obtained from the sale of its bonds. It asks that it be permitted to issue and sell, at not less than 94 and accrued interest, $350,000 of first mortgage 6½ per cent bonds due April 1, 1946. As said, it desires to use $282,000 of the proceeds obtained from the sale of its bonds to pay in part for the properties of the South Los Angeles Land and Water Company. These properties will be acquired free and clear of all indebtedness.

The balance sheet of the South Los Angeles Land and Water Company shows that on December 31, 1925, that company had outstanding $148,000 of first mortgage bonds, notes payable in the amount of $28,617.34, audited vouchers and wages unpaid in the amount of $32,299.55, guarantee deposits in the amount of $639.40 and consumers advances for construction in the amount of $67,966.17. Inasmuch as the properties of the South Los Angeles Land and Water Company are to be transferred free and clear of all indebtedness it is expected that all the liabilities of the South Los Angeles Land and Water Company as of the date that it transfers its properties to the Southern California Utilities, Inc., will be paid or remain the liabilities of the South Los Angeles Land and Water Company and will not be transferred to the Southern California Utilities, Inc. Proceeding on this theory, we will authorize the Southern California Utilities, Inc., to issue $300,000 of common stock and use $282,000 obtained from the sale of the bonds to pay in full for all of the properties of the South Los Angeles Land and Water Company. If for any reason some of the debts of the South Los Angeles Land and Water Company, whether current indebtedness or other obligations, will be transferred and assumed by the Southern California Utilities, Inc., the amount of stock and cash herein authorized to be delivered in payment for said properties shall be reduced in proportion to the indebtedness transferred to and assumed by the Southern California Utilities, Inc.

The remainder of the proceeds ($47,000) obtained from the sale of its bonds the Southern California Utilities, Inc., intends to expend for additions, improvements and betterments to its properties. Inasmuch as the Commission has not been furnished with a detailed statement of such additions, improvements and betterments, the $47,000 may be expended only for such purposes as the Commission will authorize by a supplemental order or orders. The Southern California Utilities, Inc., has not yet filed with the Commission a mortgage or deed of trust in satisfactory form to secure the payment of its proposed bonds. Until such instrument has been filed, the effective date of the authority herein granted will be held in abeyance.

ORDER.

South Los Angeles Land and Water Company having applied to the Railroad Commission for permission to sell all of its properties to the

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Southern California Utilities, Inc., and Southern California Utilities, Inc., having asked permission to purchase such properties and operate the same, and issue $300,000 of common stock and $350,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of the stock and bonds herein authorized, is reasonably required by Southern California Utilities, Inc., and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided; therefor,

It is hereby ordered, as follows:

1. South Los Angeles Land and Water Company may sell all of its properties to the Southern California Utilities, Inc.

2. Southern California Utilities, Inc., may purchase said properties and operate the same, and issue $300,000 of common stock and $350,000 of 6½ per cent first mortgage bonds due April 1, 1946.

3. Southern California Utilities, Inc., shall sell said $350,000 of bonds at not less than 94 per cent of their face value and accrued interest and use $282,000 obtained from the sale of such bonds, together with the $300,000 of common stock herein authorized to be issued, to pay in full for all the properties of South Los Angeles Land and Water Company, free and clear of all indebtedness, provided that if such properties are not acquired free and clear of all indebtedness, the amount of stock and the amount of cash that may be paid for such properties shall each be reduced in proportion to the net indebtedness assumed by the Southern California Utilities, Inc.

4. The sum of $47,000 obtained from the sale of such bonds, together with any portion of the $282,000 not delivered to the South Los Angeles Land and Water Company may be expended by Southern California Utilities, Inc., only for such purposes as the Commission will authorize by a supplemental order or orders.

5. The accrued interest received by the Southern California Utilities, Inc., may be used for general corporate purposes.

6. The authority herein granted will not become effective until Southern California Utilities, Inc., has paid the fee prescribed by sec-57 of the Public Utilities Act, which fee amounts to $350, nor until the Commission has authorized Southern California Utilities, Inc., to execute a mortgage or deed of trust to secure the payment of said $350,000 of bonds.

7. Within thirty days after the transfer of the properties of South Los Angeles Land and Water Company to Southern California Utilities, Inc., said Southern California Utilities, Inc., shall file with the Commission a certified copy of the deed under which it acquires and holds title to said properties.

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8. Southern California Utilities, Inc., shall keep such record of the issue, sale and delivery of the stock and bonds herein authorized, and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

9. The authority herein granted to transfer properties and to issue stock and bonds will apply only to such transfer of properties and such issue of stock and bonds as may be effected on or before October 1, 1926.

Dated at San Francisco, California, this fourth day of May, 1926.

DECISION No. 16652.

IN THE MATTER OF THE APPLICATION OF MANTECA TELEPHONE COMPANY FOR AUTHORITY TO ISSUE STOCK.

Application No. 12529.

Decided May 4, 1926.

SECURITIES—STOCK—TO ISSUE—NOTES.—Application granted.

Ernest Irwin, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended, Manteca Telephone Company asks authority to issue, at par, $7,300 of stock to refund outstanding notes of like amount, and to issue a three-year 7 per cent note for $6,000 to finance in part the cost of central office equipment.

The record shows that applicant is engaged in giving telephone service in Manteca and Lathrop and adjacent territory, serving an area of about fifty-two square miles. It reports its assets and liabilities, as of December 31, 1925, as follows:

Assets.

Fixed capital	$60,372 35
Cash and deposits	11 57
Accounts receivable	337 34
Materials and supplies	373 72
Total assets	$61,094 98

Liabilities.

Common stock	$36,800 00
Funded debt	5,000 00
Notes payable	7,300 00
Accruals	441 90
Reserve for accrued depreciation	7,402 66
Surplus	4,150 42
Total liabilities	$61,094 98

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The revenues and expenses of the company for the last three calendar years have been shown in annual reports filed with the Commission as follows:

Item	*1925*	*1924*	*1923*
Telephone operating revenues	$16,975 42	$16,069 03	$16,500 90
Telephone operating expenses	13,439 16	13,691 51	13,780 42
Net telephone operating revenues	$3,536 26	$2,377 52	$2,720 48
Taxes	934 80	962 89	968 34
Telephone operating income	$2,601 46	$1,414 63	$1,752 14
Deduct:			
Interest	$667 05	$542 50	------
Miscellaneous	120 95	147 15	$140 16
Total deductions	$788 00	$689 65	$140 16
Balance for year	$1,813 46	$724 98	$1,611 98

It appears that during the last two years applicant's net expenditures for additions and betterments amounted to $11,434.14, which sum, according to its Exhibit No. 1, consists of the following items:

1924		
Central office equipment	$60 59	
Subscribers' station equipment	720 68	
Exchange lines	1,842 58	
Subtotal		$2,623 85
1925		
Central office equipment	$192 91	
Subscribers' station equipment	1,684 93	
Exchange lines	6,586 00	
General equipment	346 45	
Subtotal		8,810 29
Total		$11,434 14

During 1925 the company increased its operations by extending its lines to Lathrop, where it now gives suburban service to about forty subscribers. The Lathrop extension consists of about five miles of No. 14 iron wire, strung, for the most part, on 20 and 25 foot poles. This one addition accounts for the greater part of the reported expenditure of $6,586 during 1925 for exchange lines. It appears that in 1925 applicant acquired or constructed in all about one mile of cable and about fifty miles of aerial wire, and in 1924, about fourteen miles of aerial wire. The number of working stations increased twenty-six in 1924 and forty-three in 1925, the number of stations at the close of the year being reported at 620.

The application shows that these expenditures during 1924 and 1925 were financed in part through the issue of $7,300 of short-term 7

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per cent notes to C. W. Forbes, applicant's president. Applicant now asks permission to issue $7,300 of its common stock at par, to pay or refund this indebtedness, the testimony herein indicating that Mr. Forbes is willing to accept stock in exchange for the notes.

It appears that applicant has in service, at present, one switchboard of the magneto type with three positions and 250 lines. It is reported that additional central office equipment is necessary and that the company proposes to purchase a Kellogg universal type switchboard with 300 lines. It is estimated that the cost of the switchboard, and other central office equipment, will amount to approximately $6,000. Applicant has amended its application so as to request permission to issue a three-year 7 per cent note to finance such cost.

ORDER.

Manteca Telephone Company having applied to the Railroad Commission for permission to issue $7,300 of stock and a $6,000 note, a public hearing having been held before Examiner Satterwhite, and the Railroad Commission being of the opinion that the issue of such stock and note is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Manteca Telephone Company be and it is hereby authorized to issue at par $7,300 of its common stock in exchange for the $7,300 of short-term notes now outstanding, and to issue, at not less than face value, its promissory note for $6,000 payable on or before three years after date with interest at not exceeding 7 per cent per annum, for the purpose of financing the cost of the additional central office equipment to which reference is made in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and delivery of the stock and notes herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted to issue stock shall become effective upon the date hereof, while the authority granted to issue the note shall become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25.

3. The authority herein granted shall apply only to such stock and notes as may be issued on or before April 30, 1927.

Dated at San Francisco, California, this fourth day of May, 1926.

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DECISION No. 16680.

IN THE MATTER OF THE APPLICATION OF JOSEPH BARRERE TO SELL AND TRANSFER TO JOSEPH BARRERE, INCORPORATED, A CORPORATION, CERTAIN OPERATIVE RIGHTS AND PROPERTY, AND OF JOSEPH BARRERE, INCORPORATED, A CORPORATION, TO ISSUE STOCK IN PAYMENT THEREFOR.

Application No. 12759.

Decided May 10, 1926.

TRANSFER—AUTO TRUCKS—STOCK—TO ISSUE.—Application granted.

Harry A. Encell and *James A. Miller*, by *Harry A. Encell*, for Applicant.

BY THE COMMISSION.

OPINION.

Joseph Barrere asks permission to transfer the operative rights and properties to which reference will hereafter be made to Joseph Barrere, Inc., a corporation. Joseph Barrere, Inc., asks permission to acquire such operative rights and properties and to issue 19,998 shares (par value $19,998) of common capital stock in payment therefor. The corporation further asks permission to issue one additional share of stock of the par value of $1 to Dorothy Barrere and one share to M. D. Savage, to qualify them as directors of the corporation.

By Decision No. 16330 dated March 30, 1926, in Application No. 11147 the Railroad Commission declared that public convenience and necessity require the operation by Joseph Barrere of an automobile truck line as a common carrier of milk and cream between San Francisco, Oakland and Berkeley on the one hand, and Crow's Landing, Newman, Gustine and Los Banos on the other hand, the proposed service to be an extension of the present operative rights of the applicant, between San Francisco, Oakland, Berkeley and Manteca and Tracy and intermediate points. The operative rights referred to in Decision No. 16330 were granted by Decision No. 8966 dated May 12, 1921, in Application No. 6487 and by Decision No. 10623 dated June 23, 1922, in Application No. 7756.

The equipment which Joseph Barrere intends to transfer to Joseph Barrere, Inc., consists of the following:

One 3½-ton G. M. C. truck, 1922	$2,000 00
Two 2½-ton Fageol trucks, 1922	4,000 00
One 3½-ton Fageol truck, 1923	3,000 00
Two 2½-ton Kleiber trucks, 1925	7,000 00
One Ford truck	500 00
One 3-ton Economy trailer	500 00
One 2-ton trailer and tools	500 00
Total	$17,500 00

The testimony shows that the equipment is all in good operating condition. The record further shows that Joseph Barrere incurred addi-

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tional expense in acquiring the several operative rights and that the corporation incurred certain expense for organization purposes. The expenditures actually reported total $443.85.

In our opinion Joseph Barrere, Inc., should be authorized to issue not exceeding $18,000 of stock to acquire the operative rights and properties of Joseph Barrere, referred to in this application.

ORDER.

Joseph Barrere having applied to the Railroad Commission for permission to transfer operative rights, equipment and property to Joseph Barrere, Inc., a corporation, and Joseph Barrere, Inc., a corporation, having applied to the Railroad Commission for permission to purchase such operative rights, equipment and property and issue in payment therefor such an amount of stock as the Commission may authorize, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that this application should be granted as herein provided, and that Joseph Barrere, Inc., a corporation, should be permitted to issue not exceeding $18,000 par value of stock in payment for the operative rights, equipment and property, referred to in this application, $2 par value of stock to directors, and that the issue of such stock is reasonably required for the purpose specified herein;

It is hereby ordered, that Joseph Barrere be and he is hereby authorized to transfer to Joseph Barrere, Inc., a corporation, the operative right granted by Decision No. 16330 dated March 30, 1926, in Application No. 11147, the operative right granted by Decision No. 10623 dated June 23, 1922, in Application No. 7756 and the operative right granted by Decision No. 8966 dated May 12, 1921, in Application No. 6487, together with the auto truck equipment and properties described in this application.

It is hereby further ordered, that Joseph Barrere, Inc., a corporation, be, and it is hereby, authorized to acquire the aforesaid operative rights, equipment and properties and issue in payment therefor not exceeding 18,000 shares (par value $18,000) of its common capital stock and issue and sell, at not less than par, two shares (par value, $2) of its common capital stock to its directors and use the proceeds for working capital.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

1. Joseph Barrere shall cancel immediately all time schedules, rates, tariffs, and classifications now on file with the Railroad Commission, in accordance with General Order No. 51 of the Railroad Commission.

2. Joseph Barrere, Inc., a corporation, shall file in duplicate, within ten days from the date of this order, all time schedules, rates, tariffs

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and classifications, such rates, tariffs and classifications to be identical with those heretofore filed by Joseph Barrere, or rates and time schedules satisfactory in form and substance to the Railroad Commission.

3. The rights and privileges herein authorized to be transferred shall not be assigned, sold, leased, transferred or hypothecated or discontinued unless the written consent of the Railroad Commission is first obtained.

4. No vehicles may be operated by Joseph Barrere, Inc., a corporation, unless such vehicles are owned by it or are leased by it on a basis satisfactory to the Commission.

5. The amount of stock Joseph Barrere, Inc., a corporation, is herein authorized to issue shall not hereafter be urged before this Commission or other public body having jurisdiction as a measure of the value of the properties herein authorized to be transferred for any purpose except the issue of the stock authorized herein.

6. Joseph Barrere shall file with the Railroad Commission within two months from the date he transfers his operative rights, property and equipment to Joseph Barrere, Inc., a corporation, financial statements covering his operation from the first of the year to the date of the transfer, such statement to be prepared and submitted on the regular annual report forms prescribed and furnished by the Commission.

7. Joseph Barrere, Inc., a corporation, shall keep such record of the issue of the stock herein authorized as will enable it to file on or before the 25th day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

8. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this tenth day of May, 1926.

DECISION NO. 16687.

IN THE MATTER OF THE APPLICATION OF THE SANTA ROSA WATER WORKS, FOR AN ORDER AUTHORIZING IT TO ISSUE NOTES AND TO SECURE SAME BY DEED OF TRUST.

Application No. 12779.

Decided May 10, 1926.

SECURITIES—NOTES—TO ISSUE.—Santa Rosa Water Works authorized to issue, on or before July 31, 1926, notes to the value of $32,000 for three years to refund outstanding notes.

BY THE COMMISSION.

ORDER.

Whereas, the Railroad Commission, on September 12, 1912, by Decision No. 219 in Application No. 197 (Vol. 1, Opinions and Orders of the

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Railroad Commission of California, page 536); authorized Santa Rosa Water Works, a corporation, to execute a deed of trust and to issue $48,000 of promissory notes payable on or before five years from date with interest at not exceeding 6 per cent per annum for the purpose of refunding notes then outstanding which applicant reported had been issued to finance the cost of building conduits, increasing the height of its dam, extending its distributing system and other purposes not chargeable to operating expense or to income; and

Whereas, the Railroad Commission, on July 12, 1921, by Decision No. 9222, in Application No. 6912 (Vol. 20, Opinions and Orders of the Railroad Commission of California, page 243), authorized applicant to execute a new deed of trust and to issue $32,000 of promissory notes payable one year after date with interest at not exceeding 7 per cent per annum for the purpose of refunding the remainder of said $48,000 of notes then outstanding; and

Whereas, applicant now reports, in the above entitled matter, that the $32,000 of notes authorized by Decision No. 9222 are now outstanding and that it has not sufficient moneys on hand to materially reduce or to pay them and that it desires to execute a new deed of trust and to issue new notes for $32,000 payable three years after date with interest at 7 per cent per annum to renew said outstanding indebtedness; and

Whereas, the Railroad Commission is of the opinion that this is an application in which a public hearing is not necessary and that the money, property or labor to be procured or paid for by such issue of notes is reasonably required by applicant and that the application should be granted as herein provided;

It is hereby ordered, that Santa Rosa Water Works, a corporation, be and it is hereby authorized to execute a deed of trust substantially in the same form (except as to date and time of payment of notes) as the deed of trust filed as Exhibit "B" in Application No. 6912 and authorized to be executed by Decision No. 9222, dated July 12, 1921.

It is hereby further ordered, that Santa Rosa Water Works, a corporation, be and it is hereby authorized to issue, on or before July 31, 1926, its note, or notes, having an aggregate face value of $32,000 payable on or before three years after date with interest at not exceeding 7 per cent per annum for the purpose of paying or refunding the $32,000 of notes now outstanding referred to in this application.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said deed of trust as to such other legal requirements to which said deed of trust may be subject.

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2. Within thirty days after the execution of the deed of trust applicant shall file a verified copy thereof with the Railroad Commission, and shall, at the same time, file a verified report showing the issue of the notes herein authorized.

3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this tenth day of May, 1926.

DECISION No. 16714.

IN THE MATTER OF THE APPLICATION OF SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUANCE AND SALE OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS PAR VALUE OF ITS FIRST AND REFUNDING FIVE PER CENT BONDS.

Application No. 12790.

Decided May 12, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Sweet, Stearns and Forward, and *Chickering and Gregory*, by *Evan Williams*, for Applicant.

BY THE COMMISSION.

OPINION.

San Diego Consolidated Gas and Electric Company asks permission to issue and sell, at not less than 94 per cent of their face value and accrued interest, $2,500,000 of its Series "B" first and refunding mortgage 5 per cent bonds due March 1, 1947, and use the proceeds to pay indebtedness incurred for the purpose of paying for extensions, additions and betterments to its properties.

San Diego Consolidated Gas and Electric Company has an authorized stock issue of $20,000,000, divided into $10,000,000 of common and $10,000,000 of 7 per cent cumulative preferred. As of February 28, 1926, applicant reports outstanding $3,032,500 of common and $6,292,500 of preferred stock.

The outstanding bonded indebtedness of the company as of February 28, 1926, is reported at $11,368,000 and consists of $5,680,000 of first mortgage bonds and $5,688,000 of first and refunding mortgage bonds. The company's current liabilities are reported at $3,198,000 and its current assets at $1,039,350.12. The current liabilities include a $500,000 5 per cent note payable to the General Electric Company; a $75,000 5½ per cent note payable to the First National Bank of San Diego, and $1,693,906.86 payable to Standard Gas and Electric Company. It is of record that applicant is paying interest at the rate of 7 per cent per annum on the amount due the Standard Gas and Electric Company.

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Applicant in its Exhibit No. 5 estimates its net construction expenditures during 1926 at $3,575,183. During the first two months of this year expenditures actually incurred are reported at $372,868, leaving $3,202,315.08 to be expended. W. F. Raber, applicant's vice president and general manager, testified that the company would incur construction expenditures during 1926 approximately equal to the estimated expenditures reported in its Exhibit No. 5.

Applicant in its Exhibit No. 6 reports its uncapitalized construction expenditures as of February 28, 1926, at $2,694,901.70. Adding to the $2,694,901.70 applicant's estimated net construction expenditures for the ten months ending December 31, 1926 ($3,202,315.08), makes a total of $5,897,216.78. It is for the purpose of financing in part the actual or estimated expenditures reported at $5,897,216.78 that applicant asks permission to issue $2,500,000 of bonds. The evidence shows that all of the moneys obtained from the issue of the bonds will be used to pay indebtedness incurred or to be incurred because of such construction expenditures.

ORDER.

San Diego Consolidated Gas and Electric Company having applied to the Railroad Commission for permission to issue $2,500,000 of bonds, a public hearing having been had before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant for the purposes specified in this order and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income and that this application should be granted as herein provided; therefore,

It is hereby ordered as follows:

1. San Diego Consolidated Gas and Electric Company may issue and sell for cash on or before October 1, 1926, at not less than 94 per cent of the face value and accrued interest, $2,500,000 of Series "B" first and refunding mortgage 5 per cent bonds due March 1, 1947.

2. San Diego Consolidated Gas and Electric Company shall use the proceeds, other than accrued interest, realized from the sale of said bonds to pay indebtedness incurred on account of, or to be incurred on account of constructing the extensions, additions and betterments reported in applicant's Exhibit No. 5 and applicant's Exhibit No. 6.

3. San Diego Consolidated Gas and Electric Company may use the accrued interest for general corporate purposes.

4. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,750.

5. San Diego Consolidated Gas and Electric Company shall keep such record of the issue, sale and delivery of the bonds herein authorized

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and of the disposition of the proceeds as will enable it to file on or before the 25th day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twelfth day of May, 1926.

DECISION NO. 16715.

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN POWER COMPANY OF CALIFORNIA FOR AUTHORITY TO PURCHASE ALL OF OUTSTANDING SHARES OF CAPITAL STOCK OF NAPA VALLEY ELECTRIC COMPANY.

Application No. 12791.

Decided May 12, 1926.

SECURITIES—STOCK—TO PURCHASE.—Application granted.

Guy C. Earl and *Chaffee E. Hall*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Great Western Power Company of California asks the Railroad Commission to make an order authorizing it to purchase all of the outstanding stock of Napa Valley Electric Company.

Napa Valley Electric Company has an authorized capital stock of $200,000, divided into 2000 shares of the par value of $100 each, all common, of which 593 shares of the aggregate par value of $59,300 are now outstanding and, as of December 31, 1925, are reported held as follows:

H. J. Lewelling	$17,200 00
D. L. Beard	14,800 00
Emma Connor	11,700 00
Jean Brown	4,900 00
Robert Brown	4,900 00
Florence Foote	4,900 00
F. M. Wyatt	700 00
Henry Brown	100 00
P. S. King	100 00
Total	$59,300 00

In addition to the $59,300 of stock the company has outstanding $40,000 of first mortgage 6 per cent bonds due November 1, 1931, and $23,400 of promissory notes due this year. It reports its assets and liabilities, as of December 31, 1925, as follows:

Assets.

Fixed capital	$219,932 33	
Cash	1,694 25	
Accounts receivable	7,258 36	
Other current assets	819 77	
Materials and supplies	1,005 02	
Total assets		$230,709 73

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Liabilities.

Capital stock	$59,300 00	
Funded debt	40,000 00	
Notes payable	23,400 00	
Accounts payable	7,497 87	
Consumers' advances for construction	14,420 55	
Reserve for accrued depreciation	36,995 52	
Corporate surplus	49,095 79	
Total liabilities		$230,709 73

Napa Valley Electric Company is engaged in supplying electric energy for lighting and power in and about the town of St. Helena, Napa County, and in other parts of the county between the unincorporated town of Oak Knoll and a point near Bale Station, about four miles north of St. Helena, and in supplying gas in St. Helena, the larger part of its business being the electric operations.

Applicant has agreed to pay $100,000 for all the outstanding stock of Napa Valley Electric Company. In this connection, Mr. J. B. Black, applicant's vice president and general manager, testified that in his opinion this was a fair price to pay for the stock of Napa Valley Electric Company, that the earnings of the system would produce a reasonable return on the investment of this amount of money and that savings could be effected through the consolidation and interconnection of the two systems.

ORDER.

Great Western Power Company of California having applied to the Railroad Commission for permission to acquire the stock of Napa Valley Electric Company, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the acquisition of the stock of the Napa Valley Electric Company by Great Western Power Company of California is in the interests of the public and that the application should be granted as herein provided;

It is hereby ordered, that Great Western Power Company of California be and it is hereby authorized to acquire and hold all the outstanding stock of Napa Valley Electric Company and pay therefor the sum of not exceeding $100,000, provided:

1. That the consideration being paid for the stock of Napa Valley Electric Company shall not hereafter be urged before this Commission as a measure of value of the properties of Napa Valley Electric Company for any purpose other than the transfer of the stock herein authorized, and

2. That the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twelfth day of May, 1926.

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DECISION No. 16716.

IN THE MATTER OF THE APPLICATION OF UNITED PARCEL SERVICE OF LOS ANGELES, INCORPORATED, A CORPORATION, FOR AUTHORITY TO ISSUE STOCK.

Application No. 12814.

Decided May 12, 1926.

SECURITIES—STOCK—TO ISSUE—UNAUTHORIZED STOCK.—United Parcel Service of Los Angeles, Inc., authorized to issue $70,000 of common stock in lieu of an equal amount of stock issued without an order of the Commission.

Devlin and Brookman, for Applicant.

BY THE COMMISSION.

OPINION.

In this application United Parcel Service of Los Angeles, Inc., asks the Railroad Commission to make an order authorizing it to issue $70,000 of its common capital stock.

The application shows that United Parcel Service of Los Angeles, Inc., was organized on or about July 9, 1923; that it was then the intention of those in control of the affairs of the corporation to engage solely in an intracity pickup and delivery service within the city of Los Angeles, and not in any intercity transportation; that accordingly applicant applied to, and on November 24, 1923, received permission from the Commissioner of Corporations to issue $50,000 of its stock; and that under such authority $30,000 of stock was issued, in November, 1923, at par, for cash.

Subsequently, however, on April 17, 1924, by Decision No. 13429, rendered on Application No. 9934, the Railroad Commission authorized J. E. Casey to transfer to applicant a certificate of public convenience and necessity permitting the operation of automobile delivery trucks as common carriers of packages and parcels, not exceeding 100 pounds each, in weight, between Los Angeles and points within certain suburban territory. It appears that this transfer was consummated, that applicant filed its tariffs and schedules of rates with the Commission on April 25, 1924, and that since then it has been conducting the transportation service as authorized by the Commission's decision. The acquisition of the certificate from J. E. Casey and the conduct of the operations thereunder brings the company under the jurisdiction of this Commission.

It has now developed that since the time the company's operations, in part, came within the jurisdiction of the Commission that it has issued $70,000 of stock ($44,000 on July 31, 1924, and $26,000 on May 31, 1925), without first receiving permission from this Commission. It is recited in the petition, however, that the company issued such stock under the belief that the authority obtained from the Commissioner

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of Corporations permitted such issuance, and that it was not necessary to obtain further authority from the Railroad Commission. Although the business of the company, at first, when it received its authorization from the Commissioner of Corporations and issued the first $30,000 of stock, may have been confined within the city limits of Los Angeles, we believe that because its operations later were brought under the jurisdiction of this Commission, it should have applied to this Commission before issuing any securities since that time. As no application was made to this Commission, we believe the issue of the additional $70,000 of stock to be void.

Upon being apprised of the opinion of the Commission the company filed this application requesting permission to issue stock in lieu of that issued without authority from the Commission. In support of this request it alleges that the $70,000 of stock was sold at par for cash and the proceeds used for capital purposes, and not for operating expenses. In this connection it reports that it has in operation eighty-nine Ford pickup and delivery cars, which were purchased for $57,792, all of which has been paid; that in addition it has expended the sum of $24,825 for terminal equipment in Los Angeles and subterminals in Long beach and Pasadena; and that in addition it has found it necessary to provide working capital of about $45,000, practically all of its business being conducted on a credit basis requiring the carrying of a large volume of accounts receivable from one to two months. These three items aggregate $127,617 and were provided, in part, it is said, through the issue of the $70,000 of stock.

We have given consideration to this application and it clearly appears to us that the corporation was unaware of the necessity of securing the approval of the Railroad Commission and that it issued its stock, without such approval, through inadvertence and with no intent to evade the provision of any act. We believe, therefore, that the application should be granted, and accordingly will enter an appropriate order in this matter.

ORDER.

United Parcels Service of Los Angeles, Inc., having applied to the Railroad Commission for permission to issue $70,000 of stock, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that the money, property or labor to be procured or paid for by such issue is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that United Parcels Service of Los Angeles, Inc., be and it is hereby authorized to issue at par $70,000 of its common capital stock in lieu of the $70,000 of stock heretofore issued without

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an order from this Commission, for the purpose of financing in part the cost of auto truck and terminal equipment and of providing itself with working capital.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file within thirty days thereafter a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twelfth day of May, 1926.

DECISION No. 16723.

LOS ANGELES COUNTY, A MUNICIPAL CORPORATION, AND GILMORE OIL COMPANY, A CORPORATION, COMPLAINANTS; A. F. GILMORE COMPANY, A CORPORATION, INTERVENER,

vs.

PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, AND SOUTHERN PACIFIC COMPANY, A CORPORATION, DEFENDANTS.

Case No. 2111.

Decided May 12, 1926.

RATES—RAILROAD—ROAD OIL—REPARATION.—Petition for reconsideration of the record denied, and original findings affirmed.

BY THE COMMISSION.

OPINION AND ORDER ON APPLICATION FOR RECONSIDERATION OF THE RECORD AS MADE.

This is an application of complainant Gilmore Oil Company, a corporation, and of the intervener, A. F. Gilmore Company, a corporation, for reconsideraiton, on the record as made, of our Decision No. 15788 entered December 21, 1925, in the above entitled proceeding, in so far as the denial of an award of reparation is concerned. We found that the rates on road oil from Sherman Junction to Los Angeles, Compton and Baldwin Park were not unreasonable, *per se,* but that they were unduly discriminatory and prejudicial to Sherman Junction and unduly preferential to El Segundo to the extent the rates from Sherman Junction exceeded rates contemporaneously in effect from El Segundo, and directed defendants to remove this undue discrimination and preference by publishing from Sherman Junction to Los Angeles, Compton and Baldwin Park rates not in excess of those on road oil from El Segundo to the same points of destination.

Applicants, in their petition for reconsideration, direct attention to and rely upon the holdings of the Interstate Commerce Commission in *Lester & Toner* vs. *Long Island Railroad,* 83 I. C. C. 251, and *Mebius & Drescher Company* vs. *Central California Traction Company,* 42

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I. C. C. 599. In those cases the Interstate Commerce Commission awarded reparation upon the findings of undue discrimination and prejudice, but there was evidence before the Commission to the effect that the rates from the preferred points permitted complainants' competitors located at such points to control the selling price of the commodity and that such preferred rates were the direct and sole cause of complainants being damaged. Another reparation case, and one which the petitioners failed to recite, is *A. H. Kerr & Company* vs. *Sand Springs Railway Company et al.*, 62 I. C. C. 296, 302. Here the complainants referred to the Mebius & Drescher Company case, but in the Kerr proceeding the Interstate Commerce Commission held the opposite of that for which these petitioners are here contending and clearly points out that the issues in the Mebius & Drescher Company case were in no manner on all fours and did not parallel the Kerr case. The latter case involves facts similar to those in the proceeding here in controversy.

The following is quoted from A. H. Kerr & Company, *supra:*

"They concede to their principal competitors a rightful advantage in materially lower production cost, enabling those competitors to reduce prices out of all proportion to the former differentials, but claim that their own rightful advantage in freight rates entitles them to damages and fixes the measure of such damages, on the theory that no matter what their eastern competitors' production cost advantage was, the delivered prices that they made, and which the complainants were compelled to meet were based in part upon freight rates and always reflected in full the advantage which the eastern plants had by reason of the unduly preferential rate adjustment." (301)

"There is evidence to the effect that prices fluctuated from time to time and were met by complainants, but it is not shown that the Muncie or other competitors made advances or reductions in prices coincident with or conforming to the changes in freight rates. Neither is it established that, if the undue prejudice had been removed by an increase of the rates from the eastern plants, it would in any way have affected the complainants' competition."

"It is clear that complainants in the case before us proceed upon the theory that, having met the prices of their competitors, they were necessarily and automatically damaged in amounts measured by the former rate differentials * * *. Recognition of such a theory would be contrary to the binding rule in the International Coal Co. case, *supra*, which requires affirmative proof of the fact and amount of damage." (302)

Where rates are found to be not unreasonable, but only unduly discriminatory, complainant must prove by direct evidence that it has been injured; the exact amount of damage suffered by it, if any; that the damage suffered was the direct and proximate result of the lower rates from the preferred points and that such damage was clearly traceable to the rate paid. The amount of damages can not be implied or left to conjecture, nor is the amount of damage suffered necessarily the difference between the unduly discriminatory and prejudicial rate paid and the rate subsequently established. There was not in evidence in this proceeding any such proof and, therefore, reparation was denied. *Pennsylvania Railroad Company* vs. *International Coal Co.* 230 U. S.

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184; *Coal Switching Reparation Cases at Chicago,* 36 I. C. C. 226; *C. D. Park* vs. *L. & N. Railroad,* 55 I. C. C. 703; *Carnegie Steel Co.* vs. *Director General,* 96 I. C. C. 527, and cases cited therein.

The allegations of the unreasonableness *per se* of the rates were not sustained; in fact, the record clearly shows the rates in controversy from El Segundo and other points to have been subnormal and depressed by reason of the actual and potential competitive influences.

In the light of the decisions herein referred to, we have carefully reviewed the record to determine if applicants have reasonably established the requisites necessary in discrimination cases to entitle recovery. This record is barren of proof that the damage alleged to have been suffered was directly attributable to the rates in effect from El Segundo. Neither does it appear of record that the Standard Oil Company in arriving at its selling prices for road oil, which it is stated applicants met, based its selling prices upon the El Segundo rates, or that the rate from El Segundo fixed the price of road oil and thus permitted the Standard Oil Company to control the selling price of the commodity.

The applicants have not, according to the legal requirements, proved that they were damaged by the payment of the discriminatory rates. Upon reconsideration of the record as made and of our Decision No. 15788, we affirm our former findings and conclusions and an order dismissing the application will be entered.

ORDER.

Upon further consideration of the record in the above entitled proceeding and of the petition for reconsideration;

It is hereby ordered, that Decision No. 15788 entered in the above entitled proceeding be and the same is hereby affirmed; and

It is hereby further ordered, that the said petition be and it is hereby denied.

Dated at San Francisco, California, this twelfth day of May, 1926.

DECISION No. 16727.

IN THE MATTER OF THE APPLICATION OF COOK, McKENZIE AND SON FOR AUTHORITY TO BUILD AND OPERATE A TELEPHONE EXCHANGE.

Application No. 12465.

Decided May 14, 1926.

CERTIFICATE—TELEPHONE UTILITY—RATES.—Certificate granted to Cook, McKenzie and Son to operate a telephone system in Monticello and vicinity, Napa County. Rates established.

W. D. McKenzie, for Applicant.
L. M. Brown, for The Pacific Telephone and Telegraph Company.

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BY THE COMMISSION.

OPINION.

In this proceeding, Cook, McKenzie & Son, a copartnership, applicant, asks that the Railroad Commission issue its order granting applicant a certificate of public convenience and necessity which will permit applicant to construct a telephone system in Monticello, Napa County, and vicinity, and to operate same as a public telephone utility.

Hearings were held in this matter by Examiner Satterwhite in Monticello on April 14 and April 30, 1926.

Testimony taken at the first hearing showed that a telephone system consisting of two telephone stations and fence wire connection was established in Monticello in 1907. In 1908 an insulated line system was installed on the cooperative basis, having a switchboard located in the store of applicant, with the agreement that applicant was to receive suitable compensation for switching services rendered. Applicant's witness stated that the compensation agreed upon was never received and that the service of interconnecting lines at the request of users had been performed free of cost to the users by his firm for the past twenty-five years. The general merchandising business in which applicant is engaged demanded so much of applicant's employees' time that such switching service could no longer be performed without compensation, he said.

Applicant presented exhibits filed at the first hearing which set forth proposed rates, rules and regulations and territory in which service was to be offered and furnished.

It was shown, according to applicant's witness, that the application for the proposed rates would not provide sufficient revenue to equal estimated reasonable expenses; furthermore, those persons present at the hearing protested against the proposed plan of applicant, both as to rates and service, as it was apparent that if service, as existing at Monticello, were to be withdrawn, the town and vicinity would be without exchange telephone service and as the request of applicant for compensation for the rendering of switching service was reasonable, it was conceded that a misunderstanding as to reasonable conditions under which service might be rendered, existed, both on the part of applicant and of protestants.

At the request of Examiner Satterwhite, Assistant Engineer F. M. Casal attended an informal meeting of interested parties which was held in Monticello on April 20, 1926. At this meeting matters pertaining to the operation of a telephone utility service in and about the town of Monticello were explained and fully discussed. As a result, a resolution was passed by those present to petition the Railroad Commission to grant applicant, Cook, McKenzie & Son, permission to operate a telephone system as prayed for and under rates as amended by applicant.

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Applicant filed at the adjourned hearing in this matter an amended rate schedule, canceling the schedule presented at the first hearing and the petitions above referred to.

Applicant has had experience in the rendering of telephone service, is and has been for some time past in charge of the Monticello terminal of The Pacific Telephone and Telegraph Company's Winters-Monticello toll line, acting as agent for that company and states through its witness, Mr. W. D. McKenzie, a member of the firm, that he is ready and willing to reconstruct certain telephone lines in Monticello for the purpose of providing an improved telephone service and it appears that it would be in the interests of persons at present having telephone connections to Monticello and the public generally, to grant the petition of this applicant. There appears to be no good reason why Cook, McKenzie & Son should not be permitted to provide telephone service as a public utility in the territory as set forth in the revised area shown on map filed by applicant at the first hearing and under rates shown in the amended schedule filed at the adjourned hearing in this proceeding.

ORDER.

Cook, McKenzie & Son having made application to the Railroad Commission for an order granting a certificate of public convenience and necessity requiring it to operate as a public utility in and in the vicinity of Monticello, Napa County, California; the board of supervisors of Napa County having granted Cook, McKenzie & Son the right and privilege of constructing and maintaining telephone lines on and along the public highways of Napa County; a public hearing having been held, the Railroad Commission having fully considered all evidence in this proceeding, and the matter being submitted and ready for decision:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require Cook, McKenzie & Son to operate a telephone system in and in the vicinity of Monticello, Napa County, California.

The Railroad Commission finds as a fact that Cook, McKenzie & Son should render telephone service throughout the territory as shown in Exhibit "A," attached hereto, under rates for service as set forth in Exhibit "B," attached hereto.

Basing its order on the foregoing finding of fact and upon other findings of fact contained in the opinion preceding this order;

It is hereby ordered, that Cook, McKenzie & Son shall

(1) Furnish on and after June 1, 1926, telephone service within the territory shown in Exhibit "A," attached hereto.

(2) Charge and collect, effective as of June 1, 1926, the rates for service as shown in Exhibit "B," attached hereto.

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(3) File with the Railroad Commission on or before May 31, 1926, the schedule of rates referred to in section (2) above, together with rules and regulations similar to those set forth in this Commission's Decision No. 13478 (24 C. R. C. 854) as may be approved by this Commission.

(4) File with the Railroad Commission a map of the territory served referred to in section (1) above, and a map showing Individual Line Area as set forth in Exhibit "C," attached hereto.

For all other purposes, the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of May, 1926.

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EXHIBIT "A"

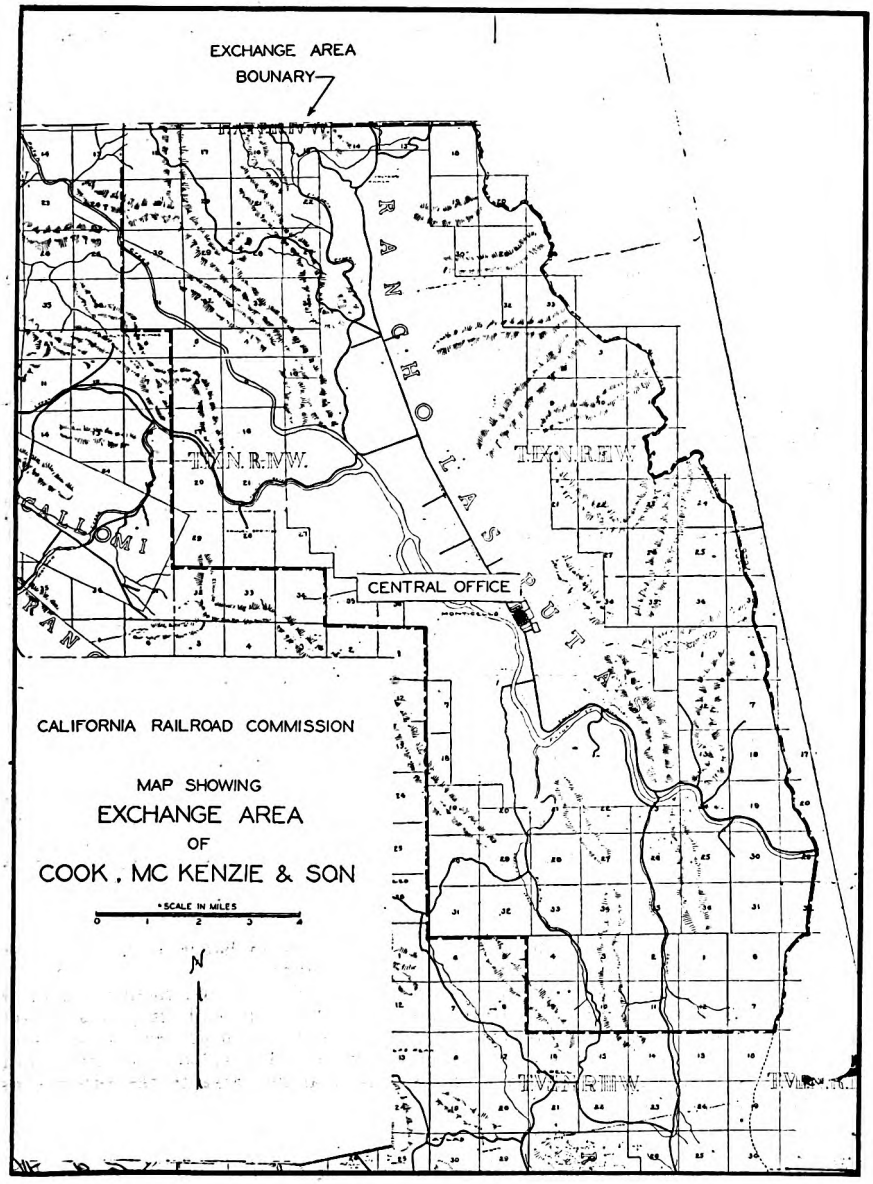

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EXHIBIT "B."

RATES.

Exchange Service Schedule No. A-1.

Individual Line Service—Monticello.

Service.

Applicable to individual line flat rate service within the individual line area.

Rate.

	Rate per month Wall set	Desk set
(1) Business flat rate service:		
Each individual line station	$2 50	$2 75
Each extension station with bell	1 00	1 25
(2) Residence flat rate service:		
Each individual line station	2 00	2 25
Each extension station with bell	1 00	1 25

Conditions.

1. Extension stations at the above rates are installed on the premises on which the primary station is located.

Exchange Service Schedule No. A-2.

Party Line Service.

Service.

Applicable to party line flat rate service within the exchange area.

Rate.

	Rate per month Wall Station	Desk Station
Each party line business station	$2 25	$2 50
Each party line residence station	2 00	2 25

Conditions.

Party line service is furnished within the exchange area. In no case will the total number of stations connected to one circuit exceed ten (10) stations.

Exchange Service Schedule No. A-3.

Farmer Line Service.

Service.

Applicable to farmer line service within the exchange area.

Rate.

	Rate per month Business Service	Residence Service
Farmer line service, each station	$1 50	$1 00

Minimum Charge—The minimum charge for farmer line service, per circuit, is $2.50 per month.

Conditions.

(1) Farmer line service will be furnished within the exchange area. A farmer line shall not extend across an exchange area boundary.

(2) The company provides, owns and maintains all lines and facilities used to furnish farmer line service to the boundary of the individual line area except service drop wires, telephone instruments, batteries and station protective apparatus.

(3) The subscriber provides, owns and maintains all lines and facilities from the company's line at the boundary of the individual line area to the subscriber's instrument.

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EXHIBIT "C"

CALIFORNIA RAILROAD COMMISSION

MAP SHOWING

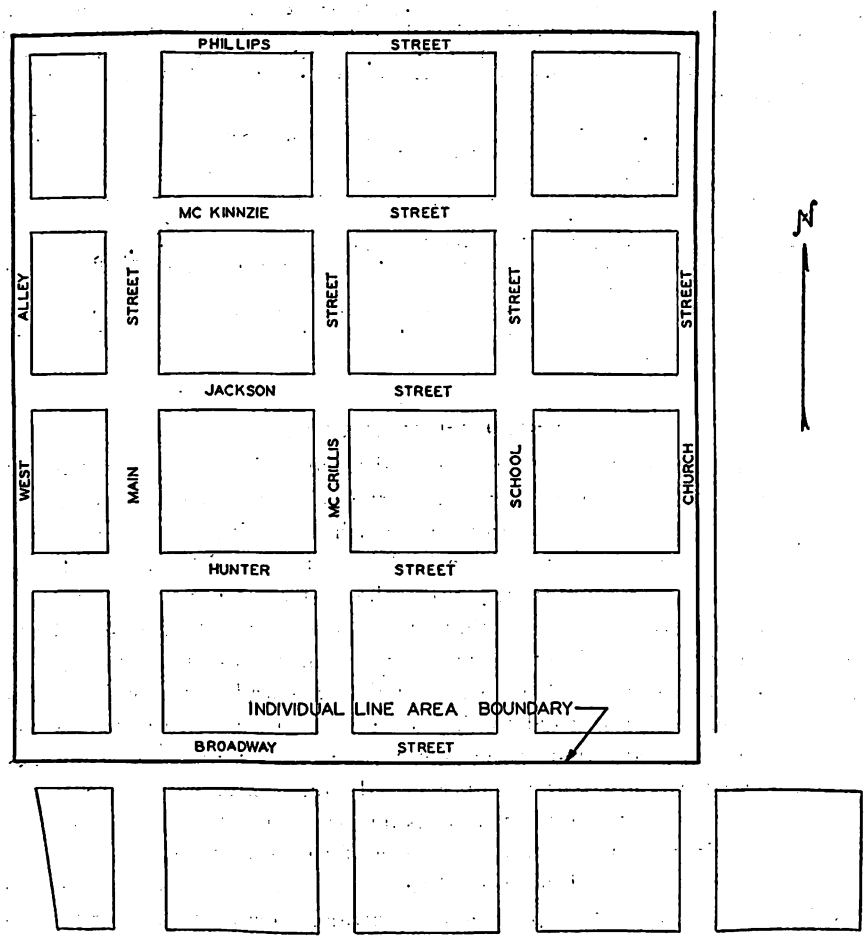
INDIVIDUAL LINE AREA

OF

COOK, MC KENZIE & SON.

SCALE IN FEET

0 200 400



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Decision No. 16728.

IN THE MATTER OF THE APPLICATION OF CITY OF SOUTH SAN FRANCISCO FOR PERMISSION TO CONSTRUCT AT GRADE A PUBLIC STREET OVER THE TRACKS OF THE SOUTHERN PACIFIC COMPANY IN SOUTH SAN FRANCISCO, SAN MATEO COUNTY, CALIFORNIA.

Application No. 849.

IN THE MATTER OF THE APPLICATION OF THE PEOPLE OF THE STATE OF CALIFORNIA, ON RELATION OF THE CALIFORNIA HIGHWAY COMMISSION, FOR AN ORDER AUTHORIZING THE CONSTRUCTION OF A STATE HIGHWAY CROSSING UNDER TRACKS OF THE SOUTHERN PACIFIC COMPANY, ETC.

Application No. 11630.

Decided May 14, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES.—After rehearing the Commission affirms its previous order authorizing construction of an underpass on the Bay Shore Highway under the tracks of Southern Pacific Company and the South San Francisco Belt Railway Company, but revises its apportionment of the cost thereof as follows: the Belt Railway to pay 4.1 per cent; Southern Pacific to pay 23.7 per cent; and the California Highway Commission to pay 71.2 per cent.

A. J. Scampini and *John F. Davis*, for the City of South San Francisco.
Paul F. Fratessa, for the State Highway Commission.
F. W. Mielke, for the Southern Pacific Company.
J. W. Coleberd and *J. E. McCurdy*, for certain citizens and interested property owners.
P. J. Shaw, for the South San Francisco Belt Railway.
H. A. Postlethwaite, for the City of San Bruno and the United Building and Development Company.
P. R. Thompson, for South San Francisco Chamber of Commerce.
McCutchen, Olney, Mannon and Greene, by *R. L. Lipman*, for the Spring Valley Water Company.

BRUNDIGE, *Commissioner*.

OPINION ON REHEARING.

In Application No. 11630, the California Highway Commission requested authority to construct a highway under the tracks of the Southern Pacific Company and the South San Francisco Belt Railway at South San Francisco, San Mateo County, California, and also asked that this Commission apportion the cost of the improvement.

The underpass requested is that of the so-called "Bay Shore Highway," which has now been graded from a point immediately south of the proposed crossing to Broadway, Burlingame, and which will eventually be extended southward to San Jose. From San Francisco to the site of the proposed crossing the new highway will replace in a general way the existing San Bruno road, a paved county highway now leading to a connection with the main Peninsula Highway at San Bruno. At South San Francisco, however, the route of the new state highway will intersect the tracks and proceed directly across the marsh, while the existing county road now proceeds southward parallel with and to the

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west of the Southern Pacific Company's tracks crossing them at grade at Linden avenue, some 4000 feet beyond the proposed new grade, and a second time at grade near San Bruno station.

A public hearing in said Application No. 11630 was held in San Francisco on October 20, 1925, and on the evidence presented thereat, the Commission, on November 7, 1925, rendered its decision (No. 15604) authorizing the applicant to construct the subway and apportioning the cost between the parties.

On November 17, 1925, and November 27, 1925, the Southern Pacific Company filed petitions for rehearing and modification of the Commission's Decision No. 15604, in so far as the apportionment of cost was concerned. The Commission, on December 15, 1925, granted the petitions and by its order set aside its Decision No. 15604, and reopened the matter for further hearing.

At the original hearing testimony was presented to the effect that upon completion of the subway under Southern Pacific Company's tracks, a lateral road, leading from its easterly end to a connection with the existing county road immediately east of the present grade crossing of these tracks, would be constructed. It was the judgment of the Commission that this road, if constructed, would serve public convenience and necessity as well as the existing parallel road which follows the westerly side of the tracks from the built-up portion of South San Francisco to the Linden avenue crossing, and a supplemental order (Decision No. 15621) was therefore entered in the proceeding under which authorization had been granted to construct Linden avenue crossing (Application No. 849), providing that if and when the subway and this lateral road were constructed the Linden avenue crossing would be closed. Following its supplemental order, the Commission was in receipt of communications from the cities of south San Francisco and San Bruno and other corporations and individuals protesting the closing of this crossing and in order that the Commission might have before it all the facts, a further hearing in this proceeding (Application No. 849) was ordered.

The two above entitled applications were thereupon consolidated for the purpose of hearing and decision, and public hearings held in San Francisco on January 12, 26 and 27, 1926.

Counsel for the property owners protesting the closing of the Linden avenue crossing presented a motion at one of the hearings to vacate the supplemental order (Decision No. 15621) in Application No. 849. Two grounds were urged in support of the motion. First, that the property owners along Linden avenue were possessed of a vested interest in the Linden avenue grade crossing by virtue of their holdings so as to have been legally entitled to notice of the public hearing held preliminary to the Commission's Decision No. 15621,

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and that no such notice was given. Secondly, that since the said supplemental order was made as an incident to Decision No. 15604 (Application No. 11630) authorizing construction of the subway, which has since been set aside, the said supplemental order should also be set aside. It is my opinion that these arguments are unsound.

At the hearings on January 26th and 27th, considerable testimony was introduced by the cities of San Bruno and South San Francisco and property owners, showing the existence of public convenience and necessity for the continuance of the grade crossing at Linden avenue. It developed that the plan outlined at the first hearing on Application No. 11630, for the construction of a new lateral road leading from the easterly end of the proposed subway to a connection with the existing county road immediately east of the present Linden avenue grade crossing, had been abandoned for the present time. For these reasons, I am of the opinion that the supplemental order of the Commission in Application No. 849 should be rescinded.

The proposed underpass consists of a steel and concrete structure of 4 per cent approach grades, providing a 40-foot driveway and an 8-foot sidewalk. The deck proposed at present will carry six tracks of the Southern Pacific Company and two of the South San Francisco Belt Railway, but the abutments will be so constructed and the grade lines laid in such a way that the Southern Pacific Company may in the future utilize its entire right of way for tracks. This will entail a 120-foot extension of the subway.

In addition to this extension, which is entirely for the benefit of the Southern Pacific Company, and which is estimated to increase the cost of the structure $30,000, Southern Pacific Company contends that the cost of so extending the barrel of the subway to care for future trackage is not an item to be charged exclusively to the railroad, in view of the fact that the subway is being constructed with a width of driveway sufficient to take care of future increase in vehicular traffic. It appears reasonable to include the expense of extending the barrel as a part of the cost of the subway or at least in that portion in which the Highway Commission and Southern Pacific Company exclusively participate.

Immediately north of the railroad right of way, and within the limits of the subway approaches, the proposed highway will pass through a section of high ground requiring a considerable cut. It is contended that in the event a grade crossing were being constructed, it would still be necessary to remove a certain portion of this cut, and that the cost of so doing it is not properly a portion of the subway cost. There appears to be merit in this contention. The Commission has in the past given consideration to theoretical grade lines in determining the apportionment of cost of grade separations. It is proper

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in this case that the cost of such grading, estimated at 21,230 yards, with a unit price of 50 cents a yard, be eliminated from the gross estimate and considered as a direct benefit to the applicant.

It is claimed by the highway engineer that the utilization of the material excavated from the subway in forming highway embankment is now problematical. In its former decision this Commission allowed a credit of 49 cents per yard for the entire amount of the subway excavation below the theoretical grade line. In view of the uncertainty as to the economic use of this material by the Highway Commission, it appears reasonable to allow credit for only such portion as is used in the highway embankment. The price and disposition of this material can properly be adjusted by the parties in interest at the time of construction, but failing in this a supplemental order by the Commission can be issued.

Southern Pacific Company, in its petition for rehearing, raised the issue as to whether or not the cost of moving Spring Valley Water Company pipe line should be considered as a part of the subway cost. This pipe line is maintained along one side of the old county road and the Commission has in the past held that public utilities maintaining pipe lines under franchise in public highways should bear the cost of relocating same when the construction of a subway required such relocation. Conclusive evidence was introduced by the water company, however, to the effect that the pipe line existed prior to the public highway and I am of the opinion that it is proper to include any necessary expense incurred for its relocation as a part of the subway cost to be herein apportioned.

The applicant has filed an estimate of the cost of construction of this underpass, the total of which is $280,096. This includes the above mentioned items of direct benefit to one or two, but not all, of the parties. The Southern Pacific Company agreed that the estimate was reasonable, but was of the opinion that an item of $2,000 for taking care of the Belt Line during construction should be increased to $3,700. This sum of $280,096, increased by $1,700, as suggested above, appears then to be a reasonable gross estimate and that sum will be used in apportioning the cost of making this improvement. After deducting the amounts of the several direct benefits set forth in preceding paragraphs, a balance of $229,504 remains to be divided according to the obligations of and the intangible benefits received by each of the parties. This sum will hereinafter be referred to as the "net cost."

Since the subway crosses under the tracks of two railroads and the same approaches serve for both crossings, it is apparent that each company has an interest in the entire structure, and for the purpose of determining the relative amount of this interest, a method of apportioning according to the number of tracks in existence appears to be

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fair. The Belt Railway has two tracks and the Southern Pacific Company six. The deck under the Southern Pacific main line tracks is required to be heavier construction than that under the tracks of the Belt Railway. This fact should be reflected in the apportionment of the cost between the parties. I am of the opinion that as between the two companies, the Belt Line may properly be said to have an interest in one-fifth of the "net cost" of the structure, which portion amounts to $45,901, and the Southern Pacific Company has an interest in four-fifths of the "net cost," which portion amounts to $183,603. It is these amounts, therefore, that should be used in determining what expense is to be borne by the respective companies.

After a careful consideration of the evidence in this application, I am of the opinion that a fair distribution of the cost of this project requires that the railroads pay an amount equal to thirty per cent of their respective interests, and the California Highway Commission pay the balance of the cost.

Recapitulating the several computations advanced in the foregoing paragraphs, the matter may be stated as follows:

Estimated Cost of Project.		
Per Applicant's Exhibit No. 3		$280,096 00
Increase in cost of taking care of Belt tracks		1,700 00
Gross estimate used in Decision No. 15604		$281,796 00
Reduction due to lowering price of grading above theoretical grade line:		
21,230 cubic yards at 50¢	$10,615 00	
Contingencies, 10%	1,062 00	
		11,677 00
Gross estimated cost		$270,119 00
Direct Benefits.		
To Highway Commission—		
Excavating to theoretical grade	$10,615 00	
To Southern Pacific Company and California Highway Commission—		
Extra length of barrel	30,000 00	
Total direct benefits		40,615 00
"Net cost" of subway		$229,504 00
Determination of Railroads' Interests.		
S. S. F. Belt Ry., 20% of "net cost"	$45,901 00	
Total Belt Ry. interest		$45,901 00
S. P. Company, 80% of "net cost"	$183,603 00	
Extra barrel	30,000 00	
Total S. P. Co. interest		$213,603 00
Assessments.		
S. S. F. Belt Ry., 30% of its "interest"	$13,770 00	4.1%
Southern Pacific Co., 30% of its "interest"	$64,080 00	23.7%
California Highway Commission—		
70% of Belt "interest"	$32,131 00	
70% of S. P. "interest"	149,523 00	
Grading to theoretical grade	10,615 00	
Total to highway	$192,269 00	71.2%
Total estimated cost	$270,119 00	100 %

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It appears that the owners of the South San Francisco Belt Railway have made certain right of way concessions to the Highway Commission, in consideration of which the latter at the hearing announced its willingness to assume any costs of the subway which may be properly assessed to that railway company. This, of course, is a matter of agreement between these parties and if the amount herein assessed to the Belt Railway has already been paid to applicant by valuable consideration, this decision should not be construed as requiring that these amounts be paid again or in any other manner.

The following form of order is recommended in the present proceedings:

ORDER.

People of the State of California, on relation of the California Highway Commission, having made application for an order authorizing the construction of a crossing under the tracks of Southern Pacific Company and South San Francisco Belt Railway Company, at South San Francisco, San Mateo County, and apportioning the cost thereof; a rehearing having been granted by the Commission on its Decision No. 15621 in Application No. 849, the matters having been consolidated for further hearing, public hearings having been held, the matters having been submitted and being now ready for decision;

It is hereby ordered, that the Commission's Decision No. 15621 in Application No. 849 be and the same is hereby revoked, and

It is hereby further ordered, that the people of the State of California, on relation of the California Highway Commission, be and they are hereby authorized to construct a crossing under the tracks of Southern Pacific Company and the South San Francisco Belt Railway Company, at South San Francisco, San Mateo County, as hereinafter specified, subject to the following conditions:

(1) Said crossing shall be constructed at a location approximately at engineer's station 75+03.76 on the railroad.

(2) Said crossing shall be constructed substantially in accordance with the plan filed by applicant as Exhibit No. 1 in this proceeding. Said crossing shall be more specifically constructed in accordance with detail plans which shall hereafter be submitted to and approved by this Commission.

(3) The cost of constructing the under grade, including all work estimated on sheet two of applicant's Exhibit No. 3, shall be apportioned on the basis of four and ten one-hundredths (4.10) per cent to South San Francisco Belt Railway Company; twenty-three and seventy one-hundredths (23.70) per cent to Southern Pacific Company, and seventy-one and twenty one-hundredths (71.20) per cent to applicant.

(4) The cost of future maintenance of the superstructure shall be borne by the South San Francisco Belt Railway Company and Southern

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Pacific Company, each company bearing the cost of maintenance of the portion under its own tracks.

(5) The cost of future maintenance of the remainder of the structure, including the drainage thereof, shall be borne by the applicant.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) If said crossing shall not have been installed within two years from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For all other purposes this order shall become effective twenty (20) days from the making thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this fourteenth day of May, 1926.

DECISION No. 16739.

IN THE MATTER OF THE APPLICATION OF THE CITY OF BERKELEY FOR AN ORDER AUTHORIZING A STREET CROSSING AT GRADE ACROSS THE TRACKS AND RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY AT THE INTERSECTION OF ITS MAIN LINE AND SANTA FE AVENUE IN THE CITY OF BERKELEY, CALIFORNIA.

Application No. 12149.

IN THE MATTER OF THE APPLICATION OF THE CITY OF BERKELEY FOR AN ORDER AUTHORIZING A STREET CROSSING AT GRADE ACROSS TRACKS OF THE KEY SYSTEM TRANSIT COMPANY AT THE INTERSECTION OF ITS ALBANY BRANCH LINE AND SANTA FE AVENUE IN THE CITY OF BERKELEY.

Application No. 12444.
Decided May 17, 1926.

GRADE CROSSING—ELECTRIC RAILWAY—TO CONSTRUCT.—Authority granted the city of Berkeley to construct Santa Fe avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company and of the Key System Transit Company, in that city. Curtis avenue crossing to be abandoned, automatic flagman ordered installed, the cost of same apportioned equally between the city and the Santa Fe.

E. J. Sinclair and *Frank B. Stringham*, for the City of Berkeley.
Lovett K. Frazier and *C. F. Whitmore, Jr.*, for the City of Albany.
Platt Kent and *J. A. Christie*, for The Atchison, Topeka and Santa Fe Railway Company.
H. P. Bell, for the Key System Transit Company.

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BY THE COMMISSION.

OPINION.

In these applications, the City of Berkeley asks permission to construct Santa Fe avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, hereinafter called the Santa Fe, and the Key System Transit Company, hereinafter called the Key System. As they involve related matters, they were consolidated for the purpose of hearing and decision at the public hearing in Berkeley on January 29, 1926, before Examiner Austin.

Counsel for the Santa Fe urged that there was no necessity for opening Santa Fe avenue, but that if it were opened permission to do so should be conditioned upon the closing of Curtis street crossing in Berkeley and either Dartsmouth street crossing in Albany or Northside avenue crossing in Berkeley. The Berkeley city council is willing that Curtis street be closed at the point of crossing but is unwilling to close any other street in the vicinity. The board of trustees of the city of Albany is unwilling that Dartsmouth street be closed.

The track of the Oakland branch of Santa Fe is laid out through a residential portion of Berkeley and Albany in a north and south direction, and connects with the main line at Richmond. It is a single track line over which about twelve passenger trains and six freight trains are operated daily with an average speed of 25 miles per hour in the vicinity of Santa Fe avenue. The single track line of the Key System known as the Sacramento street line has its northerly terminus at Santa Fe avenue, east of the Santa Fe track, and parallels the Santa Fe in a southerly direction for about 2500 feet, thence turns easterly to a connection with the Northbrae line of the Key System.

Santa Fe avenue is laid out in a northeasterly and southwesterly direction, crossing the Santa Fe and Key System tracks at an angle of approximately 38 degrees. The crossings herein applied for are the corporate limits of Berkeley but the corporate line between the cities of Berkeley and Albany is only a few feet north of the crossings. That portion of Santa Fe avenue lying within Albany is improved with an oil macadam pavement and has a width of about 80 feet between property lines. Three blocks north of the proposed crossings Santa Fe avenue intersects Marin avenue, the most important east and west vehicular artery in this vicinity. Santa Fe avenue continues north beyond Marin avenue to the Thousand Oaks residential district.

The portion of Santa Fe avenue lying within the city of Berkeley and south of the proposed crossings is likewise improved with an oil macadam pavement, has a width of 50 feet between property lines, and extends southerly to the intersection of Cornell avenue and Page

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street, the latter being an improved east and west street about 50 feet in width. Vehicles using Santa Fe avenue can turn west on Page street for three blocks to an intersection with San Pablo avenue, one of the most important north and south vehicular arteries connecting Oakland and Berkeley.

Santa Fe avenue was a dedicated street at the time these two railroads were built and both the Santa Fe and Key System were granted franchises by the city of Berkeley to cross it. From the northerly city line to the south side of the Santa Fe right of way the street, however, has never been improved or used as a public thoroughfare.

The next crossing north of the proposed crossing and approximately 850 feet distant is at Dartsmouth street, an unimportant street in the city of Albany. Marin avenue, hereinbefore mentioned as the most important east and west artery in this vicinity, crosses the Santa Fe about 1000 feet north of Dartsmouth street.

Curtis street and Neilson street are laid out parallel to and south of Santa Fe avenue and are about 300 feet apart, and intersect the tracks of the Santa Fe and Key System at points about 400 feet and 800 feet, respectively, south of the proposed Santa Fe avenue crossing. Both streets serve to some extent the same public need as Santa Fe Avenue, in so far as through traffic from San Pablo to North Berkeley points is concerned, except that neither street is as wide as the portion of Santa Fe avenue in the town of Albany and neither street has as convenient an outlet to San Pablo avenue on the south and Marin avenue on the north. Vehicular traffic is not heavy on either of these streets.

Gilman street is an east and west street in the city of Berkeley and crosses Santa Fe avenue, Curtis street and Neilson street at right angles, crosssing the tracks of the Key system and Santa Fe just a few feet south of the crossing of Curtis street. On account of the proximity of these crossings to each other and to the intersection of Curtis and Gilman streets, a hazard is created somewhat in excess of the sum of the separate hazards created by crossings of Curtis street and Gilman street considered by themselves. This is particularly true of the westbound traffic on Gilman street which turns north on Curtis street, and southbound traffic on Curtis street, turning east on Gilman. Vehicles using this route, after having crossed the railroads once, must immediately turn parallel to the railroad tracks and cross them again. This type of crossing layout is hard to protect and the hazard would be greatly decreased if one of these two street crossings were closed.

Northside avenue crosses the Santa Fe and Key System tracks about 200 feet south of Neilson street. This street is parallel to

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Neilson street but is not a through street, and terminates just a few feet north of the Key System track. On the southerly end it opens on to Hopkins street.

The record shows that Santa Fe avenue can better serve the through traffic desiring to reach San Pablo avenue from the Thousand Oaks district and vice versa, than can either Curtis street or Neilson street. Local traffic which originates within a block or so north of the Santa Fe avenue crossing can use Dartsmouth street to reach San Pablo avenue, although it would be more convenient for such traffic if Santa Fe avenue were open. It appears that there is need of a short connecting street between Curtis street and Santa Fe avenue, on the east side of the railroads, as at present there are no connecting streets between these two for a distance of 2400 feet north of Gilman street. With such a connecting street, local traffic on Santa Fe avenue could be diverted to Curtis street and over the existing crossing, or, in the event the Santa Fe avenue crossing is opened, local traffic on Curtis street could use the proposed connecting street in order to gain access to the Santa Fe avenue crossing.

We find, from a consideration of all the evidences, that public convenience and necessity and public safety require that the Santa Fe avenue crossings be opened, provided that Curtis street be effectively closed to public use and travel at its point of crossing with the Key System and Santa Fe tracks. Because of the objection by the city of Albany, no order will be made herein requiring the closing of Dartsmouth street, although it appears from the record that there is very little necessity for the maintenance of this crossing after Santa Fe avenue is opened. Nor will the closing of Northside avenue be required, as the record does not show that the opening of Santa Fe avenue would serve the traffic now using Northside avenue.

Consideration will now be given the protection to be afforded the Santa Fe avenue crossing. The record indicates that an automatic flagman will be required for the protection of this crossing by reason of the fairly heavy train operation over the Santa Fe line, the vehicular traffic which it is expected will take advantage of this improved street, the increased hazard due to constructing the crossing at an acute angle with the railroad and the occurrence of low fogs at times in this territory.

The record shows that the Key system terminal station is at present located partially on Santa Fe avenue and that this station will, of necessity, be relocated when the Santa Fe avenue crosssing is improved. It appears from the evidence that it is immaterial to the patrons of the line on which side of the street the station is finally relocated. Until such time as the Key system track may be extended northerly,

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it is apparent that the hazard at the crossing will be very greatly decreased if the terminal station is located south of Santa Fe avenue and the order following will so provide. At such time as the Key System line may be extended northward, the Key System should join with the Santa Fe in maintaining a joint automatic flagman to operate for trains on the tracks of both companies at this crossing.

There yet remains to be decided the division of cost of constructing the crossing and the cost of providing the protection therefor.

As was before stated, Santa Fe avenue was dedicated as a public street before the railroad tracks were constructed and the railroads were granted franchises to cross same. Copies of such sections of said franchises as are pertinent were filed in this proceeding. These franchises place the burden of constructing and maintaining the crossings created thereunder upon the respective carriers, and as there appears no reason for setting aside the franchise provisions in that respect, the order will provide that the cost of installation and maintenance of the crossings shall be borne by the Santa Fe and Key System respectively.

The cost of providing the necessary protection, it appears, should be borne partially by the railroads because of the elimination of the hazard afforded by the closing of the Curtis street crossing at which no protection other than the usual crossing signs is at present provided. It appears reasonable that the city of Berkeley share the initial cost of providing protection and the order will therefore provide that the cost of installation of such protection be borne equally by the city and the Santa Fe.

ORDER.

The city council of the city of Berkeley having filed the above entitled applications with this Commission, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that permission and authority be and it is hereby granted to the city council of the city of Berkeley, county of Alameda, State of California, to construct Santa Fe avenue at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company as shown by the maps (exhibits "A" and "B") attached to Application No. 12149, said crossing to be constructed subject to the following conditions, and not otherwise:

(1) The cost of construction and maintenance of that portion of the crossing between lines two feet outside of the outside rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company. The cost of construction and maintenance of that portion of the crossing

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outside of lines two feet outside of the outside rails shall be borne by applicant.

(2) The crossing shall be constructed of a width not less than fifty feet and at an angle of thirty-eight degrees to the railroad and with grades of approach not greater than four per cent; shall be constructed equal or superior to type shown as Standard No. 3 in General Order No. 72 of this Commission; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereor of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing. Cost of installation of said automatic flagman shall be borne fifty per cent by applicant, city of Berkeley, and fifty per cent by The Atchison, Topeka and Santa Fe Railway Company. The cost of maintaining said automatic flagman shall be borne by The Atchison, Topeka and Santa Fe Railway Company. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission.

(4) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The crossing of Curtis street with the right of way and track of The Atchison, Topeka and Santa Fe Railway Company shall be legally abandoned and effectively closed to public use and travel.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

It is hereby further ordered, that permission and authority be and it is hereby granted to the city council of the city of Berkeley, County of Alameda, State of California, to construct Santa Fe avenue at grade across the track of Key System Transit Company as shown by the map (exhibits "A" and "B") attached to Application No. 12444, said crossing to be constructed subject to the following conditions, namely:

(1) The cost of construction and maintenance of that portion of the crossing between lines two feet outside of the outside rails shall be borne by Key System Transit Company. The cost of construction and maintenance of that portion of the crossing outside of lines two feet outside of the outside rails shall be borne by applicant.

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(2) The crossing shall be constructed of a width not less than fifty feet and at an angle of thirty-eight degrees to the railroad and with grades of approach not greater than four per cent; shall be constructed equal or superior to type shown as Standard No. 3 in General Order No. 72 of this Commission; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Key System Transit Company shall move its waiting station to a suitable location south of Santa Fe avenue and until such time as its line is extended northerly shall not permit cars to be operated regularly over said crossing.

(4) Key System Transit Company shall not operate regularly any car or train over said crossing until it shall have arranged to jointly use the automatic flagman required for the crossing of The Atchison, Topeka and Santa Fe Railway Company herein authorized.

(5) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(6) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(7) The crossing of Curtis street with the right of way and track of Key System Transit Company shall be legally abandoned and effectively closed to public use and travel.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For all other purposes, the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this seventeenth day of May, 1926.

DECISION No. 16740.

IN THE MATTER OF THE APPLICATION OF PLYMOUTH WATER COMPANY FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 12708.

Decided May 17, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

M. C. Randolph, for Applicant.

BY THE COMMISSION.

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OPINION AND ORDER.

Plymouth Water Company in this application, as amended at the hearing, asks permission to issue $4,950 par value of its common capital stock for the purpose of paying indebtedness and reimbursing its treasury on account of earnings expended for additions and betterments.

Applicant has an authorized stock issue of $10,000, of which $5,050 par value is outstanding. Of the outstanding stock, M. C. Randolph owns $5,000. As of December 31, 1925, the company reports notes payable of $578.31 and accounts payable of $1,236.30.

By Decision No. 6969, dated December 19, 1919, the Commission authorized Plymouth Water Company to issue $3,000 face value of notes. The testimony in this proceeding shows that all of such notes have been paid, either with moneys advanced by M. C. Randolph or by the use of company earnings. As of December 31, 1925, the amount advanced by M. C. Randolph to the company was $578.31. Since then, the company has paid M. C. Randolph approximately $300, with the result that it now owes him about $278.31.

The Commission has considered the request of applicant and believes that such request shoud be granted; therefore,

It is hereby ordered, that Plymouth Water Company be and it is hereby authorized to issue $4,950 par value of its common capital stock at not less than par and use the proceeds obtained from the sale of such stock to pay indebtedness or use said stock or the proceeds thereof to reimburse its treasury on account of earnings expended for additions and betterments.

It is hereby further ordered, that the authority herein granted will become effective upon the date hereof and that applicant shall file a report or reports as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventeenth day of May, 1926.

DECISION No. 16744.

IN THE MATTER OF THE APPLICATION OF SOUTH END WAREHOUSE COMPANY FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK AND FOR MORTGAGING PUBLIC UTILITY PROPERTY.

Application No. 12818.

Decided May 19, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

W. C. Sharpstein, for Applicant.

BY THE COMMISSION.

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OPINION.

In this application, as amended at the hearing, South End Warehouse Company, a corporation, asks permission to issue $90,000 of common stock and $100,000 of 7 per cent cumulative preferred stock for the purposes hereinafter indicated.

In the application, as originally filed, the company also asked permission to issue a $200,000 6 per cent two-year note secured by a mortgage on warehouse properties which it intends to acquire. Applicant, at the hearing had before Examiner Fankhauser on May 18th, requested permission to amend its application by striking out its request for permission to mortgage public utility property and issue a two-year note. This request was made for the reason that applicant has arranged to borrow $200,000 on its note payable at not more than twelve months after date. Such a note may under section 52 of the Public Utilities Act be issued by applicant without permission from the Commission.

South End Warehouse Company has an authorized stock issue of $200,000, divided into $100,000 of common and $100,000 of 7 per cent cumulative preferred stock. The preferred stock may be redeemed at the option of the company at $105 per share plus accrued and unpaid dividends if redeemed within one year from the date of issue, and at $103 if redeemed after one year from the date of issue. The company now has outstanding only $10,000 of common stock.

South End Warehouse Company is engaged in a general warehouse business in the city and county of San Francisco. It has been operating all of its warehouses under lease. The South End warehouse is located at Townsend and Japan streets, the California warehouse at 631 Second street, the Terminal warehouse at 660 Third street, the Vallejo bonded warehouse at Battery and Broadway streets, and the Vallejo free warehouse at Battery and Broadway streets.

During the past three years the company reports revenues and expenses as follows:

Item	1925	1924	1923
Operating revenues	$156,570 77	$178,825 01	$181,738 89
Operating expenses	156,070 31	159,831 35	161,567 04
Net operating revenue	$500 46	$18,993 66	20,171 85
Nonoperating revenue (rent, interest, drayage, bottling, etc.)	64,496 69	54,917 30	84,590 48
Gross income	$64,997 39	$73,910 96	$104,762 33
Deduct income tax	11,032 05		
Profit for year	$53,965 34	$73,910 96	$104,762 33

As of December 31, 1925, the South End Warehouse Company reports its assets and liabilities as follows:

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Assets.

Good will	$12,541 79
Equipment	7,427 59
Other assets	1,900 00
Cash	19,022 16
Notes receivable	24,438 33
Accounts receivable	70,051 02
Materials and supplies	7,316 22
Prepayments	1,660 07
Total assets	$44,357 18

Liabilities.

Capital stock	$10,000 00
Accounts payable	2,263 95
Reserve	6,972 75
Surplus	125,120 48
Total liabilities	$144,357 18

The testimony of George W. Lamb, president of South End Warehouse Company, shows that substantially all of the company's notes and accounts receivable are collectible and that its surplus represents earnings invested in its business. His testimony further shows that it is the intention of the company to issue $90,000 of its common stock to reimburse its treasury on account of earnings invested in its properties and business and thereafter distribute the stock as a stock dividend. The company intends to sell $100,000 of 7 per cent cumulative preferred stock at not less than par. Applicant's president believes that this stock can be sold by the company without the payment of any commissions. The company asks permission to use the proceeds obtained from the sale of the preferred stock to pay in part the cost of acquiring the warehouse properties located at 631 Second street. The properties are more particularly described as follows:

Commencing at a point on the northeasterly line of 2nd Street distant thereon 137 feet 6 inches southeasterly from the southeasterly line of Brannan Street; running thence southeasterly and along said line of 2nd Street 137 feet 6 inches; thence at a right angle northeasterly 255 feet to the southwesterly line of Japan Street; thence at a right angle northeasterly and along said line of Japan Street 137 feet 6 inches; thence at a right angle southwesterly 255 feet to the point of commencement.

There is situate on the land which applicant intends to acquire a five-story warehouse building with outside dimensions of 137 feet 6 inches on both Second and Japan streets and 255 feet deep. Applicant has been paying a monthly rent of $2,500 for the land and warehouse building. It now desires to exercise an option and purchase the property for $300,000. George W. Lamb testified that the purchase price of the properties was reasonable and that it is to the best interest of the South End Warehouse Company to acquire and own some of its warehouse buildings.

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ORDER.

South End Warehouse Company having applied to the Railroad Commission for permission to issue $90,000 of common stock and $100,000 of 7 per cent cumulative preferred stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by applicant and that this application should be granted, as herein provided; therefore,

It is hereby ordered, that the South End Warehouse Company be and it is hereby authorized to issue at not less than par, on or before October 1, 1926, $90,000 of its common stock for the purpose of reimbursing its treasury on account of earnings invested in its properties and business.

It is hereby further ordered, that South End Warehouse Company be and it is hereby authorized to issue and sell on or before October 1, 1926, for cash at not less than par, $100,000 of its 7 per cent cumulative preferred stock and use the proceeds to pay in part the cost of the warehouse properties described in the opinion which precedes this order.

It is hereby further ordered, that this application in so far as it involves the issue of the $200,000 note and the execution of a mortgage be and the same is hereby dismissed without prejudice.

It is hereby further ordered, that the authority herein granted to issue stock will become effective when applicant has filed a certified copy of its amended articles of incorporation; and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this nineteenth day of May, 1926.

DECISION No. 16745.

IN THE MATTER OF THE APPLICATION OF SOUTHERN PACIFIC COMPANY FOR AN ORDER AUTHORIZING THE CONSTRUCTION AT GRADE OF A SPUR TRACK ACROSS STATE HIGHWAY IN VICINITY OF ATWATER, COUNTY OF MERCED, STATE OF CALIFORNIA.

Application No. 11741.

Decided May 19, 1926.

GRADE CROSSING—STEAM RAILROAD—TO CONSTRUCT.—On rehearing permission is granted to applicant to construct spur track at grade across the state highway at Atwater, Merced County.

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Henry W. Hobbs, for Applicant.
Paul F. Fratessa, for California Highway Commission.
Wm. M. Tudor, for California State Automobile Association.

WHITSELL, *Commissioner*.

OPINION ON REHEARING.

This is a proceeding in which Southern Pacific Company requests authority to construct a spur track across the state highway at Atwater, Merced County, California. A hearing was held at Atwater on November 27, 1925, as a result of which the Commission on January 13, 1926, entered its Decision No. 15782 denying the application.

In its former decision the Commission held that the nature of the track, which is to serve a tract of land on which it is proposed to establish packing houses, and the frequent switching over the crossing would greatly increase the hazard and inconvenience to the public using the highway, and that since other locations suitable for industries were apparently available, the crossing was not justified.

On February 1, 1926, Southern Pacific Company filed its petition for rehearing, claiming that a change in the proposed track layout within the tract would greatly reduce the number of switching movements across the highway; that a proposed road connection at the easterly end of the tract would relieve the state highway of a great deal of slow moving traffic to and from the industrial tract; and that the placing of packing houses on the opposite side of the track would subject the shippers having occasion to reach such industries to the hazard of crossing the high speed main line tracks.

On March 8th the Commission granted the petition of Southern Pacific Company and entered its order reopening the matter for further hearing, such further hearing being held on April 13, 1926, at Atwater.

At this rehearing the revised track layout was presented. Under the plan formerly proposed the switches leading to the several industries from the main lead faced the highway whereas under the new plan the lead would be extended a sufficient distance beyond the last switch to permit access to switches facing in the opposite direction. It is alleged, in the petition, that the estimated number of sixteen movements per day across the highway, which the Commission considered in making its prior order, would be reduced to two per delivery, applicant failing, however, to state the number of deliveries per day.

From the record of the prior hearing it appeared that because of the grade characteristics of the lead a minimum of sixteen switching movements per day over the crossing could be expected when the tract was fully developed industrially, regardless of the number of additional movements occasioned by switching the several spurs on account of the switches facing the highway. There was testimony,

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however, to the effect that this latter class of movements could, with proper care, be avoided. The effect of facing the switches in the opposite direction is to preclude the possibility of such unnecessary switching over the highway crossing and the revision of the track layout is therefore desirable. If this industrial development is carried out the track layout should be constructed substantially in accordance with the revised plan.

The grade of the track from the highway to the connection with the main line is an important feature since it not only limits the size of the cuts it is possible to bring out of the district thereby necessitating more movements over the crossing, but also adds considerable to the hazard. The grade shown on the plan is two per cent, but when proper shoulders on the highway are provided for and allowance made for vertical curves, a grade of approximately three per cent would result. According to the testimony of the railroad's engineer a one per cent grade is feasible and if the crossing is constructed a grade not exceeding one per cent should be used in order that the total number of movements over the highway may be reduced to a minimum.

It was urged that the placing of the packing houses on the proposed site would reduce the number of crossings of the main lines by growers bringing in their crops, it being claimed that because of the arrangement of roads in the vicinity practically all of the hauling to a tract on the south side of the tracks would cross the main line once and some of it twice. The hazard to this traffic should be weighed against the hazard and inconvenience that a spur track crossing over a main trunk highway would cause. When a volume of traffic on the highway of between two and three thousand vehicles per day is compared with the number of vehicles required to transport the fruit and produce packed at Atwater, the hazard to this latter traffic becomes relatively small. A considerable portion of the crop is now handled at plants access to which requires crossing of the main line tracks and these plants will, no doubt, continue to operate in their present location. The opening of a new tract will have little, if any, effect in reducing the hazard to this traffic.

Applicant's third contention is to the effect that the opening of an extension of Elm avenue into the easterly end of the proposed industrial tract would have the effect of diverting from the state highway the slow moving vehicular travel bound to and from the industrial sites. There is considerable merit in this contention and if the amount of such relief is sufficient to recompense the users of the highway for the hazard and inconvenience of a spur track crossing the highway, the construction of such crossing would be justified. As near as can be determined from the record approximately sixty per cent of the fruit and produce

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shipped from Atwater originates on the north side of the track and most of it is transported over the Winton and Shaffer roads, the former being intercepted by the highway near the northerly limits of the business section and the latter near the southerly limits. One of the principal roads from the south enters the highway opposite the Winton road, while two other roads from the south tributary to Atwater lead to the highway at points a mile or more to the east and west of the town. As traffic destined for the packing houses from either of these latter roads must necessarily travel on the state highway a certain distance regardless of the location of the industrial site selected, the discussion of relief of highway congestion will be confined to the Winton, Shaffer and Bloss roads.

Traffic from the Winton road could by means of Elm avenue and its easterly extension reach the new site without entering the highway and similarly traffic from the Shaffer road, which intersects Elm avenue, could be diverted from the highway. It is also stated that traffic from the Bloss road could, by means of Fifth street and Elm avenue, reach the proposed site without interfering with highway traffic, excepting to cross between the northerly terminus of Bloss road and the southerly terminus of Fifth street.

The above described diversion of traffic is probable in the case of the Winton and Shaffer roads, but it is improbable that drivers of vehicles having occasion to use the Bloss road will elect to travel some 3000 feet over a gravel or dirt pavement when a shorter route over a hard surfaced pavement is offered and it can be expected that all of the produce moving to Atwater from south of the track will continue to use the highway for whatever portion of the route that may be convenient. It should also be taken into consideration that this so-called diversion of traffic from the highway applies to a great extent to the future increase in traffic only for as long as the existing plants continue to operate at their present capacity, any congestion of highway traffic that may have, in the past, been caused by lines of vehicles awaiting entrance to these plants will continue to exist.

It is apparent, however, that considerable future congestion of highway traffic will be avoided by opening this industrial tract in the location proposed and for this reason and this reason only the track crossing should be permitted. Every precaution should therefore be taken that the full benefit of such relief is assured and the routes to which traffic is to be diverted should be put in such condition as to attract this traffic. The proposed extension of Elm avenue should be suitably paved and such paving should be one of the conditions to the granting of the crossing.

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According to the record, traffic congestion now occurs in the highway at the point where vehicles making deliveries to the packing houses and cannery leave the highway and it is not unreasonable to expect that similar congestion will occur at the points where the driveways of the new district meet the highway. As such congestion would occur in the immediate vicinity of the track crossing and thereby increase its hazard to the public, it is recommended that an auxiliary driveway parellel and adjacent to the highway be constructed across the southerly end of the property it is proposed to develop.

Much of the travel on trunk highways such as this is through traffic, unfamiliar with local conditions and moving generally at higher speeds than the vehicular traffic usually encountered by spur tracks in public streets of the industrial districts of cities. It is therefore essential that any protection or warning of danger that is afforded be given a sufficient distance in advance to permit traffic to come to a stop with safety, and also that such protection be given to traffic moving in either direction. For this reason the customary maintenance of a single flagman at the crossing or the installation of a single automatic device on one side of the road is, in my opinion, insufficient. In the present case two automatic flagmen located on the proper sides of the highway and the track crossing are recommended, these flagmen to be manually controlled so as to give warning of approximately thirty seconds in advance of every movement of cars over the crossing and to cease operating immediately on the passage of the last car. It is hoped that this result can be obtained by orders and instruction to trainmen but such measures failing, a system of electric locking may have to be resorted to.

To protect the public against accidents due to cars getting away on the descending grade and also the possibility of cuts being shoved out on the highway without proper protection, derails should be installed on each side of the highway.

If the above suggestions are carried out, the crossing can be permitted and the following form of order is recommended:

ORDER.

Southern Pacific Company, applicant herein, having filed with the Commission a petition requesting a rehearing in the above entitled proceeding, such rehearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision; therefore,

It is hereby ordered, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a drill track

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at grade across a state highway in the city of Atwater, county of Merced, State of California, at a point approximately 1350 feet easterly from the easterly line of First street and as shown by the map (Stockton Division Drawing C-257) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed equal or superior to type shown as standard No. 3, in General Order No. 72 of this Commission, and shall be constructed without superelevation and of a width to conform to that portion of said highway now graded, with the tops of rails flush with the pavement, and with grades of approach conforming with the existing grade of said highway at this point; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Derailing switches shall be installed at the boundaries of said highway and said derails shall at all times excepting during actual movement of trains across the highway be kept locked in such a position that any car, train or engine moving toward the highway will be derailed.

(4) Two automatic flagmen of a type and installation in accordance with plans or data approved by the Commission shall be installed and maintained for the protection of said crossing. Said automatic flagmen shall be controlled manually and shall be operated for a period of thirty seconds in advance of the passage of any locomotive, motor or car over said crossing, and during the occupancy of said crossing by any locomotive, motor or car, but shall not be operated at other times.

(5) A driveway at least forty feet in width shall be constructed across the southerly end of the tract of land which it is proposed to serve by the track requiring said crossing. Said driveway shall be paved to conform in type with the other driveways constructed within said tract of land.

(6) A roadway shall be constructed from the easterly terminus of Elm avenue at First street in the city of Atwater easterly to the tract of land which it is proposed to serve by the track requiring said crossing and said roadway shall be paved for a width of twenty feet with crushed rock or gravel to a depth of at least six inches or with some superior type of pavement.

(7) No switches shall be installed in said track, the points of which face toward said highway, within a distance of 500 feet northerly of its crossing with the state highway.

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(8) The grade of the track approaching said crossing shall not exceed one per cent at any point between the initial switch of said track and the point of its crossing with the highway.

(9) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(10) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(11) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The effective date of this order shall be twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this nineteenth day of May, 1926.

DECISION No. 16746.

IN THE MATTER OF THE APPLICATION OF C. P. STANBROUGH FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE MOTOR BOAT SERVICE FOR THE TRANSPORTATION OF PROPERTY, FOR COMPENSATION, BETWEEN POINTS ON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 11977.

Decided May 19, 1926.

CERTIFICATE—CARRIER BY WATER—FREIGHT.—Application denied.

Lafayette J. Smallpage, for Applicant.

H. C. Booth, *F. W. Mielke* and *L. N. Bradshaw*, for Southern Pacific Company and Central California Traction Company, Protestants.

Platt Kent, for The Atchison, Topeka and Santa Fe Railway Company, Protestant.

W. H. Metson and *T. S. Louttit*, for California Transportation Company and California Navigation and Improvement Company, Protestants.

A. S. Weston and *Edward Stern*, for American Railway Express Company, Protestant.

D. A. Pierce and *J. P. Quigley*, for Western Pacific Railroad Company, Protestants.

G. J. Bradley, for Merchants and Manufacturers Association of Sacramento, California.

Sanborn and Roehl and DeLancey C. Smith, by *H. H. Sanborn* and *Arthur B. Roehl*, for Sacramento Navigation Company, Protestant.

L. H. Rodebaugh, for San Francisco-Sacramento Railroad Company.

BY THE COMMISSION.

OPINION.

This is an application by C. P. Stanbrough, an individual, under the provisions of paragraph (*d*), section 50, of the Public Utilities Act, for

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a certificate of public convenience and necessity to operate vessels for the transportation of property, for compensation, upon the inland waters of the State of California between San Francisco and Oakland on the one hand and on the other, Stockton and Sacramento. It is not proposed to render local service from, to or between points intermediate to San Francisco, Oakland, Stockton or Sacramento. Permission is also requested, in the event the Commission finds that public convenience and necessity require the proposed service, to transfer the certificate to a corporation to be subsequently formed. Paragraph (*d*), section 50, of the Public Utilities Act, does not confer authority to subsequently transfer or assign the certificates granted, therefore this report will be confined to the proposed operations in so far as they relate to applicant as an individual.

The California Transportation Company, California Navigation and Improvement Company, Sacramento Navigation Company, The Atchison, Topeka and Santa Fe Railway Company, Central California Traction Company, Southern Pacific Company, Western Pacific Railroad Company and American Railway Express Company appeared in opposition to the granting of the application upon the grounds that they now render adequate and efficient common carrier service in the territory here involved.

Public hearings were held before Examiner Geary at San Francisco January 13 and March 26, 1926, and at Stockton March 11 and 12, 1926, and the application having been duly submitted and briefs filed it is now ready for an opinion and order.

The record is barren of any showing of public convenience and necessity with respect to the proposed operations from or to Sacramento and no further reference will be made to that point.

The proposed service contemplates receiving the freight at designated depot terminals at point of origin and making store door or other delivery at destination points within a radius of two miles from the unloading piers. A flat rate of 85 cents is proposed for the first 200 pounds or less, excess weights to be charged according to the Western Freight Classification, the same ranging from 37½ cents per 100 pounds first class to 20½ cents per 100 pounds for Class E, with certain commodity rates based on exceptions to the Western Classification. The rate of 85 cents for the first 200 pounds is an arbitrary minimum charge, while the class rates are the same as those in effect between San Francisco and Stockton via the California Navigation and Improvement Company, plus 12½ cents per 100 pounds, which latter amount is to cover the drayage and handling costs of delivery at destinations, either San Francisco, Oakland or Stockton. It is intended to maintain a daily service, except that no westbound trips will be rendered on Saturdays and no eastbound on Sundays. The tentative schedule pro-

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vides for westbound boats leaving Stockton 8 p.m., arriving in San Francisco 3 a.m. and Oakland 6 a.m., while the eastbound service will leave Oakland 6 p.m. and San Francisco 8 p.m., arriving in Stockton at 3 the following morning.

Applicant intends to have constructed four motor boats equipped with Diesel engines capable of making a speed of fifteen miles an hour, and to employ motor trucks of the Stockton and San Francisco Express Company, a corporation owned and operated by applicant, to effect the deliveries from the unloading pier to consignees. The estimated cost of placing the service in operation is $250,000 of which $219,000 represents the four boats; $6,000 miscellaneous equipment, and $25,000 cash working fund. Applicant testified that $120,000 of the required amount has been pledged by relatives or business associates and that the balance, $130,000 would be secured from the sale of corporate stock.

In view of our subsequent finding herein it will not be necessary to deal with applicant's financial ability as an individual to place this service in operation.

According to an exhibit, the monthly expenses of the proposed service, including depreciation and interest on investment, are estimated at $10,822.50. To meet these expenses it is estimated that each boat should handle approximately 21 tons of freight per day; this tonnage, applicant testified, would consist principally of farm products from Stockton to San Francisco and Oakland and certain small package freight from San Francisco and Oakland to Stockton.

It appears from the record that a large tonnage of fruit and vegetables produced in the vicinity of Stockton finds a market in San Francisco and Oakland, and it is this tonnage applicant hopes to secure in order to make the proposed venture a success. The commission markets at these two points open between 4 and 5 o'clock in the morning and the prices of the products are based, to a greater or less extent, upon the supply on hand ready for delivery at that time. It is in evidence that prices are often forced down soon after the markets open when delayed supplies are received from other districts and, consequently, to secure the maximum prices efforts are continually being made by shippers and transportation lines to have the fruit and vegetables on hand sufficiently early for the first buyers. The record shows there is a constant movement of fruit and vegetables by auto truck, rail and water carriers from the Stockton district to the San Francisco and Oakland markets. The distance from Stockton to San Francisco via water is 97 miles, and assuming the boats to be able to traverse the entire route at their maximum speed of 15 miles the trip would require a lapsed time of 6½ hours. It is in evidence, however, that there are hazards and delays to navigation, such as adverse tides, winds, fogs, shallow water, narrow channels and abrupt turns in the

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river, some of which are constant and others periodical, that would materially lengthen the time required to make the trip.

The captain of the steamer *J. D. Peters*, operated by the California Navigation and Improvement Company, testified that due to these difficulties of operation the trip between San Francisco and Stockton ordinarily made in 9 hours by this steamer often requires 11 hours or more to complete the journey. Under the time schedule proposed the markets at Oakland would not be reached until after 6 a.m., hence the requirements of the fruit and vegetable dealers at that point would not be met and there is also doubt of the physical ability of this applicant to consistently reach the San Francisco markets to meet the requirements at that point.

The record with respect to the movement of small package freight between San Francisco-Oakland and Stockton is principally confined to individuals or companies located at Stockton. These witnesses, in the main, were representatives of retail houses in Stockton carrying but small reserve stocks of goods who when confronted with emergency orders or an unforeseen shortage rely upon securing quick delivery from the wholesale dealers at San Francisco Bay points, and they testified that if assured of store door delivery before the morning opening of their respective places of business they would patronize the proposed service. Applicant now operates the Stockton-San Francisco Express Company, a corporation performing a forwarding service between San Francisco and Stockton-Sacramento and many of the witnesses now patronize this facility. The service is not rendered as a common carrier express company under the jurisdiction of the Commission by the provisions of the Public Utilities Act, but in effect the physical performance is the same as though it were an operating express company, inasmuch as the package freight is either picked up or received at the originating points, consolidated into packages, trunks or chests, shipped as freight via the boats of the California Navigation and Improvement Company and distributed as express in package lots at destination points. The service at the terminal points is rendered by the fleet of trucks owned by the Stockton-San Francisco Express Company and as these trucks would be utilized in connection with the proposed service, the package shipper is now receiving from this applicant almost the identical advantage which would be rendered for this class of freight should the application be granted.

There are six common carrier transportation companies rendering regular freight and package service between San Francisco and Stockton, viz, California Navigation and Improvement Company, California Transportation Company, American Railway Express Company, Western Pacific Railroad Company, Southern Pacific Company and The

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Atchison, Topeka and Santa Fe Railway Company, and all of these carriers protested the application. The Navigation Company operates on a week day schedule two boats having a combined carrying capacity of 1720 tons. The eastbound boats leave San Francisco at 6 p.m. arriving at Stockton at 3 o'clock the following morning and the westbound boats also leave Stockton at 6 p.m., arriving at San Francisco between 4 and 6 the following morning. Witnesses representing a large number of the principal firms in Stockton doing a constant and heavy shipping business between Stockton and San Francisco testified they found the service of the Navigation Company exceptionally efficient, adequate and satisfactory and upon those grounds opposed any additional boat service which might tend to hamper and impair the service now being rendered.

The same kind of testimony was given with reference to a satisfactory Stockton to Oakland service for fruit and vegetables rendered by the Western Pacific.

There has been a decline in the freight tonnage and freight revenue of the Navigation Company for a number of years past, due, to a great extent, to the building of cement highways and the movement of tonnage from the farms to consuming centers by automobile trucks. The tonnage for the months of January and February, 1926, was 11,256; for the same months of 1925 it was 15,369, showing a loss for these two months of 4113 tons. The total freight revenue for the same period in 1926 was $38,729 and in 1925, $44,612.52, a decrease of $5,883.52.

If applicant were to secure a sufficient tonnage to operate successfully a substantial portion thereof would be taken from that now handled by the Navigation Company and as shown by exhibit would be a minimum of 21 tons per boat daily, or 42 tons for the two boats between San Francisco and Stockton. The average fruit and vegetable rate of the Navigation Company is $4.50 per ton, and on the basis of 300 working days per year would mean a loss of $56,700 to the Navigation Company and completely wipe out its net revenue.

Under the provisions of paragraph (*d*), section 50, of the Public Utilities Act, the burden is upon applicant to establish the fact that the proposed service would be in the public interest. It has failed to sustain this burden, the record clearly showing that the communities are now completely served by the three railroads, one express company, one regular boat line and irregular boat and auto lines, also by applicant's package express service rendered in the name of the Stockton-San Francisco Express Company.

Upon consideration of all the facts of record, we are of the opinion and find that applicant has failed to show that public convenience and necessity require the operation of vessels for the transportation of

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property between San Francisco, Oakland and Stockton, and that the application should be denied.

ORDER.

This application having been duly submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the application in this proceeding be and the same is hereby denied.

Dated at San Francisco, California, this nineteenth day of May, 1926.

DECISION No. 16747.

IN THE MATTER OF THE APPLICATION OF (a) BEVERLY GIBSON, M. B. GIBSON, GEO. H. WOODS, W. M. SANFORD, C. R. SPICKARD AND C. J. McFALL, COPARTNERS DOING BUSINESS UNDER THE FICTITIOUS NAME OF CALIFORNIA-NEVADA STAGES, FOR PERMISSION TO SELL AND TRANSFER, AND SIERRA NEVADA STAGES, A CORPORATION, TO PURCHASE AND ACQUIRE, THE RIGHT OF SAID COPARTNERSHIP TO OPERATE AN AUTOMOBILE STAGE LINE AS A COMMON CARRIER OF PASSENGERS AND EXPRESS, BETWEEN SACRAMENTO, CALIFORNIA, AND RENO, NEVADA, AND INTERMEDIATE POINTS, VIA GOLD RUN, TRUCKEE, AND STATE LINE, CALIFORNIA, AND ALL THE EQUIPMENT AND PROPERTY OF SAID COPARTNERSHIP USED AND USEFUL IN THE OPERATION OF SAID AUTOMOBILE STAGE LINE; AND (b) SIERRA NEVADA STAGES FOR PERMISSION TO ISSUE 570 SHARES OF ITS CAPITAL STOCK, AT PAR, TO SAID COPARTNERSHIP, IN PAYMENT FOR SAID PROPERTY; AND (c) SIERRA TRANSIT COMPANY, A CORPORATION, FOR PERMISSION TO SELL AND TRANSFER, AND SIERRA NEVADA STAGES, A CORPORATION, TO PURCHASE AND ACQUIRE, THE RIGHT OF SIERRA TRANSIT COMPANY TO OPERATE AN AUTOMOBILE STAGE LINE AS A COMMON CARRIER OF PASSENGERS AND EXPRESS BETWEEN SACRAMENTO AND NEVADA CITY AND COLFAX, CALIFORNIA, AND INTERMEDIATE POINTS, VIA ROSEVILLE AND AUBURN CALIFORNIA, AND ALL OF THE EQUIPMENT AND PROPERTY OF SAID SIERRA TRANSIT COMPANY, USED AND USEFUL IN THE OPERATION OF SAID AUTOMOBILE STAGE LINE; AND (d) SIERRA NEVADA STAGES FOR PERMISSION TO ISSUE 960 SHARES OF ITS CAPITAL STOCK, AT PAR, TO SAID SIERRA TRANSIT COMPANY, IN PAYMENT FOR SAID PROPERTY; AND (e) SIERRA NEVADA STAGES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSOLIDATE AND UNIFY THE OPERATIVE RIGHTS HEREBY SOUGHT TO BE ACQUIRED FROM SAID COPARTNERSHIP AND SIERRA TRANSIT COMPANY, AND CONDUCT ALL OPERATIONS THEREUNDER AS ONE UNIFIED TRANSPORTATION SYSTEM; AND (f) SIERRA NEVADA STAGES FOR PERMISSION TO ISSUE AND SELL ONE SHARE OF ITS CAPITAL STOCK, AT PAR, FOR CASH, TO EACH OF ITS FOUR DIRECTORS.

Application No. 12728.

Decided May 19, 1926.

CERTIFICATE—AUTO STAGES—TO TRANSFER.—California-Nevada Stages (Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall) authorized to transfer to Sierra Nevada Stages operative rights

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and properties, and the latter corporation authorized to acquire and to operate the same as a unified system, and also the operative rights and properties of Sierra Transit Company, a corporation. Sierra Nevada Stages granted certificate to operate between Sacramento and Nevada City and intermediate points, except as limited.

STOCK—TO ISSUE.—Sierra Nevada Stages authorized to issue $131,100 of stock to finance acquisition of said properties and to finance itself.

Sanborn and Roehl and DeLancey C. Smith, by *A. B. Roehl*, for Applicants.
H. W. Hobbs, for Southern Pacific Company, Protestant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing:

1. Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, to sell and transfer operative rights, and equipment and property used and useful in the operation of their automobile stage line, to Sierra Nevada Stages, a newly organized corporation;

2. Sierra Transit Co., a corporation, to sell and transfer operative rights, and equipment and property used and useful in the operation of its automobile stage lines, to Sierra Nevada Stages, a corporation;

3. Sierra Nevada Stages, a corporation, to issue $153,400 of its common capital stock, and to sell $400 thereof at par for cash and to deliver $57,000 thereof in payment for the operative rights, equipment and property of California-Nevada Stages, a copartnership, and $96,000 for the operative rights, equipment and property of Sierra Transit Co., a corporation; and

4. Sierra Nevada Stages, a corporation, to consolidate and unify the operative rights of California-Nevada Stages, a corpartnership, and Sierra Transit Co., a corporation, and to operate a unified system for the transportation of persons, baggage and express.

In brief, this application involves the consolidation under one ownership and management of two auto stage systems now separately owned and managed and the operation of such systems as one unified system for the transportation of passengers, baggage and express.

The operative rights to be acquired by Sierra Nevada Stages from California-Nevada Stages were granted by the Commission by Decision No. 15276, dated August 10, 1925, in Application No. 9916, and permit the transportation of passengers and express between Sacramento and a point on the Victory highway where the state line dividing the state of Nevada from the State of California intersects between the town of Floriston, California, and Verdi, Nevada, serving as intermediate points, Gold Run, Alta, Crystal Springs, Emigrant Gap, Cisco Camp, Soda Springs Station, Summit, Donner Lake, Truckee, Hobart Junction, Boca Junction, State Line and other points east of

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Auburn, provided that no passenger or express service shall be rendered between Sacramento and Auburn or points intermediate between Sacramento and Auburn; and provided, further, that no express package may be carried weighing in excess of one hundred pounds; and further, that no general express service may be given for the carriage of express matter on any equipment other than that regularly used in the regular passenger service and then only when it can be handled without inconvenience to passengers.

The operative rights to be acquired by Sierra Nevada Stages from Sierra Transit Co., were granted by the Commission by Decision No. 12552, dated August 27, 1923, in Application No. 9224, as amended by Decision No. 12586, dated September 7, 1924, and by Decision No. 15505, dated October 9, 1925, in Application No. 9954. Under Decision No. 12552, as amended, the corporation acquired from C. R. Spickard and C. J. McFall the right to transport passengers and express between Auburn and Nevada City and intermediate points, except to Grass Valley, and to points between Grass Valley and Nevada City, locally, and the right to transport passengers and express between Sacramento and Auburn, except locally between Sacramento and Roseville. Under Decision No. 15505 the corporation acquired the right to transport passengers between Auburn and Colfax, and intermediate points, in conjunction with and as a part of the operations between Sacramento and Nevada City. No express rights were granted by this decision. Reference is here also made to Decision No. 7747, dated June 19, 1920, in Application No. 5298, to Decision No 7795, dated June 24, 1920, in Application No. 5162, and Decision No. 10750, dated July 21, 1922, in Application No. 7659. The operative rights granted by said decisions were transferred to Sierra Transit Co. by Decision No. 12552.

It is of record that applicants do not in this proceeding seek to enlarge any operative rights now possessed by either Sierra Transit Co. or California-Nevada Stages. The Sierra Nevada Stages asks permission to acquire the operative rights of Sierra Transit Co. and California-Nevada Stages, and consolidate and unify said operative rights. The testimony shows that the consolidation and unification of the operative rights will result in efficiencies and economies in operation, in better service to the public in that it will permit through routing of cars, interchange of equipment from one route to another as required, and the sale of through tickets from points on one line to points on another, and will eliminate, in many cases, the necessity of transferring passengers, baggage and express at junction points.

There appears to be no opposition to the transfer and consolidation of the operative rights as proposed herein. H. W. Hobbs, representing the Southern Pacific Company, did enter an appearance at the hearing

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but withdrew his protest upon being advised that Sierra Nevada Stages does not ask permission to operate over new routes. Upon the record herein we therefore are of the opinion that the transfer of the operative rights to Sierra Nevada Stages and the consolidation of such rights should be authorized.

Coming now to the request of Sierra Nevada Stages to issue stock, it appears that the corporation has an authorized capital stock of $250,000, divided into 2500 shares of the par value of $100 each, all common. This application involves the issue of $400 of stock to qualify directors, $57,000 of stock to pay for the properties of California-Nevada Stages, and $96,000 of stock to pay for the properties of Sierra Transit Co., a total proposed issue of $153,400.

The properties to be acquired from California-Nevada Stages include three 14-passenger Garfords, three 14-passenger Studebakers and one 14-passenger White, together with furniture and fixtures and other assets as follows:

Revenue passenger cars:		
3 14-passenger Garfords	$20,400 00	
3 14-passenger Studebakers	18,360 00	
1 14-passenger White	7,500 00	
		$46,260 00
Intangibles:		
Attorneys' fees, etc., expended in acquiring franchise		6,200 14
Supplies on hand		4,500 00
Furniture and fixtures		39 86
Total		$57,000 00

The properties to be acquired from Sierra Transit Co, include six 20, 24 and 30 passenger Whites and one Dodge-Graham, together with other assets, described as follows:

Revenue passenger cars:		
1 20-passenger White	$8,000 00	
1 24-passenger White	9,500 00	
1 30-passenger White	10,000 00	
1 30-passenger White	10,500 00	
1 30-passenger White	10,500 00	
1 30-passenger White	11,000 00	
1 11-passenger Dodge-Graham	3,500 00	
		$63,000 00
Machinery and tools		403 22
Furniture		654 01
Intangibles:		
Attorneys' fees, etc., expended in acquiring operative rights		3,120 09
Materials and supplies		5,573 98
Securities of other companies		100 00
Accounts receivable		22,830 33
Cash		4,449 14
Total		$100,130 77

It appears that there is no indebtedness outstanding against the properties of California-Nevada Stages and only current accounts of $944,07 against the properties of Sierra Transit Co.

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The record shows that the stock of Sierra Transit Co., now outstanding, amounting to $75,000 is held in equal proportions by C. R. Spickard, Effie E. Spickard, Geo. H. Woods and W. M. Sanford, and that, if this petition is granted, the stock of Sierra Nevada Stages, the new corporation, will be held by the same persons in the same proportions. The accounts receivable of $22,830.33, referred to in the foregoing tabulation, which will be transferred by Sierra Transit Co. to Sierra Nevada Stages, are said to represent, except for $435, amounts advanced to the four stockholders from moneys represented by the reserve for depreciation. We do not believe that we should authorize the issue of stock against the $22,395.33. In our opinion the $22,395.33, upon being transferred to the books of account of the new corporation, should be offset by a credit balance of like amount in the reserve for accrued depreciation account of the new corporation, and not by capital stock. As the accounts are collected—and the record shows that they will be collected on or about June 1st—the money should be used to make replacements or to purchase new equipment. The order herein therefore will authorize the issue of only $73,700 of stock in payment for the properties of Sierra Transit Co.

ORDER.

Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, and Sierra Transit Co., a corporation, having applied to the Railroad Commission for permission to transfer operative rights, equipment and property, and Sierra Nevada Stages, a corporation, having applied for permission to issue $153,400 of stock and for an order consolidating and unifying operative rights, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted as herein provided and that Sierra Nevada Stages should be permitted to issue $131,100 of stock, and that the issue of such stock is reasonably required for the purposes specified herein;

It is hereby ordered, that Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, be and they are hereby authorized to transfer to Sierra Nevada Stages, a corporation, the property and equipment described in Exhibit "2B," attached to the application herein, and the operative rights heretofore granted them by Decision No. 15276, dated August 10, 1925, in Application No. 9916.

It is hereby further ordered, that Sierra Transit Co., a corporation, be and it is hereby authorized to transfer to Sierra Nevada Stages, a

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corporation, the property and equipment described in Exhibit "D," attached to the application herein, and the operative rights heretofore granted it by Decision No. 12552, dated August 27, 1923, in Application No. 9224, as amended by Decision No. 12586, dated September 7, 1924, and by Decision No. 15505, dated October 9, 1925, in Application No. 9954.

It is hereby further ordered, that Sierra Nevada Stages, a corporation, be and it is hereby authorized to issue $131,100 of its capital stock and to sell $400 thereof for cash at par and to use the proceeds to pay organization expenses and to provide working capital, and to deliver $57,000 thereof in payment for the property, equipment and rights of Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, herein authorized to be transferred, and to deliver $73,700 thereof in payment for the property, equipment and rights of Sierra Transit Co., a corporation, herein authorized to be transferred.

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require and will require the consolidation and unification by Sierra Nevada Stages, a corporation, of the operative rights it is herein authorized to acquire from Sierra Transit Co., a corporation, and California-Nevada Stages, a copartnership, and the operation by Sierra Nevada Stages under such rights as one unified system for the transportation of passengers, baggage and express in accordance with the rates, fares, rules and regulations heretofore filed by Sierra Transit Co. and California-Nevada Stages and subject to the limitations of such rights.

It is hereby further ordered, that Sierra Nevada Stages be and it is hereby granted a certificate of public convenience and necessity to operate automobile stages for the transportation of passengers and express between Sacramento, and Nevada City, serving intermediate points, except Grass Valley and points between Grass Valley and Nevada City and points between Sacramento and Roseville, including Roseville (except as to such passengers and express as may originate in Roseville destined to points eastward, and passengers and express originating in territory east of Roseville and destined to Roseville), and for the transportation of passengers and express over the Victory highway between Sacramento and the point where it intersects the California-Nevada state line, serving all intermediate points, except that no local service is herein authorized between Sacramento and Roseville; provided, however, that between Auburn and the state line no express parcels may be carried weighing in excess of 100 pounds and that no express service may be given between Auburn and the state line on any equipment other than that regularly used in the regular passenger

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service and then only when it can be handled without inconvenience to passengers; and provided, further, that stages may be routed temporarily from Truckee to the state line by way of Hobart Mills until the Victory highway is fully constructed and open for public travel.

It is hereby further ordered, that Sierra Nevada Stages, a corporation, be and it is hereby granted a certificate of public convenience and necessity to consolidate and unify the operative rights herein authorized to be transferred and to operate thereunder as one unified transportation system, subject to the restrictions and limitations imposed in the preceding paragraph.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

1. Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, and Sierra Transit Co., a corporation, shall cancel immediately all time schedules, rates, tariffs and classifications now on file with the Railroad Commission, in accordance with General Order No. 51 of the Railroad Commission.

2. Sierra Nevada Stages, a corporation, shall file its written acceptance of the certificates herein granted within ten days from the date of this order, and shall also file, in duplicate, its time schedules and its rates, tariffs and classifications, such rates, tariffs and classifications to be identical with those heretofore filed by Sierra Transit Co., a corporation, and by Beverly Gibson, M. B. Gibson, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, or rates and time schedules satisfactory in form and substance to the Railroad Commission.

3. The rights and privileges herein granted and herein authorized to be transferred shall not be assigned, sold, leased, transferred or hypothecated or discontinued unless the written consent of the Railroad Commission is first obtained.

4. No vehicles may be operated by Sierra Nevada Stages unless such vehicles are owned by it or are leased by it on a basis satisfactory to this Commission.

5. The amount of stock Sierra Nevada Stages is herein authorized to issue shall not hereafter be urged before this Commission or other court or public body having jurisdiction as a measure of value of the properties herein authorized to be transferred.

6. Sierra Transit Co. and Beverly Gibson, M. B. Gisbon, Geo. H. Woods, W. M. Sanford, C. R. Spickard and C. J. McFall, copartners doing business under the firm name and style of California-Nevada Stages, shall file with the Commission, within two months from the date they transfer their rights, property and equipment to Sierra Nevada

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Stages, financial statements covering their operations from the first of the year to the date of transfer, such statements to be prepared and submitted on the regular annual report forms prescribed and provided by the Commission.

7. Sierra Nevada Stages shall keep such record of the issue of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

8. The authority herein granted shall become effective upon the date hereof.

It is hereby further ordered, that this application, in so far as it involves the issue of $22,300 of stock, be and it is hereby denied without prejudice.

Dated at San Francisco, California, this nineteenth day of May, 1926.

DECISION No. 16760.

IN THE MATTER OF THE APPLICATION OF THE CITY OF BURBANK, A MUNICIPAL CORPORATION, FOR PERMISSION TO INSTALL A GRADE CROSSING OVER THE TRACKS OF THE SOUTHERN PACIFIC RAILROAD COMPANY AT VICTORY PLACE, IN THE CITY OF BURBANK, CALIFORNIA.

Application No. 12434.

Decided May 25, 1926.

GRADE CROSSING—STEAM RAILROAD—TO CONSTRUCT.—Permission to construct Victory Place at grade across Southern Pacific Tracks refused city of Burbank, but separation of grades recommended.

James H. Mitchell. City Attorney, for Applicant.
Frank Karr, for Southern Pacific Company.

SEAVEY, *Commissioner.*

OPINION.

In this proceeding authority is sought to construct Victory place at grade across Southern Pacific Company's "coast line" in the city of Burbank.

A public hearing was held in this matter on April 19, 1926, at Los Angeles, at which time the matter was submitted.

Victory place as a proposed new highway, which, in effect, is an extension of San Fernando road along the westerly side of Southern Pacific Company's right of way, from the present crossing of San Fernando road with Southern Pacific Company's track, in the northwesterly portion of Burbank, commonly referred to as the "Turkey crossing," southerly to a connection with Burbank boulevard (Central avenue) and Victory place, in the city of Burbank, this extension being a little less than two-thirds of a mile in length. It appears that

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the right of way for this proposed new highway has for the greater part been secured. The width varies from 50 to 80 feet; in the vicinity of the proposed crossing the width is 80 feet.

The Southern Pacific Company's "coast line" is an important high-speed railroad and is single-track at the proposed crossing. There are normally fourteen passenger train and eight freight movements over this line per day. The profile map accompanying the application shows that the track in the vicinity of the proposed crossing is constructed about five feet above the natural ground level, and that the construction of the grade crossing would require the establishment of a fill of about eight feet for a short distance on each side of the track. Evidently the material for the present railroad fill was obtained from borrow pits along each side of the track.

Here we have for consideration the establishment of a grade crossing between an important high-speed railroad and a proposed highway which, if constructed, will very evidently be a major highway artery if the Victory boulevard and other connecting highway arteries are constructed through to Los Angeles along the westerly side of the Southern Pacific Railroad. All admit that this crossing will, if the present plans for highway construction in this vicinity are carried out, justify a grade separation in the near future. It is very evident that the most practical way of effecting a grade separation at this point is by constructing the highway under the railroad. Applicant's contention for a grade crossing at this time is based on the theory that there is not, at present, money available to defray the expense of a grade separation. To carry out applicant's plan of constructing a temporary grade crossing now, to be replaced with a grade separation within a short time, would add a substantial sum to the cost of effecting the grade separation, as such a procedure would not only involve the expense of making the necessary fills and paving the highway adjacent to the railroad, but would also add to the total cost of the separation the expense of removing the fills and pavements in order to construct the grades of approach for the grade separation. The item of property damage would undoubtedly be greater if a temporary grade crossing were constructed to be later replaced with a grade separation than if a grade separation were constructed at the time the highway was opened. The construction of Victory place is an important improvement and is a necessary part of the highway program proposed to relieve traffic congestion and to eliminate dangerous grade crossings in this district.

Commission's Exhibit No. 1, in this proceeding, shows the result of a study of all the grade crossings over Southern Pacific tracks between Dayton avenue in Los Angeles and San Fernando road (Turkey crossing) in Burbank, looking toward the elimination of all grade

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crossings made in connection with Case No. 2171. This report recommends that Victory place and Burbank boulevard, respectively, be reconstructed under the railroad tracks, the two separations to be carried out simultaneously; also that when Victory place is constructed along the westerly side of the railroad, as proposed, and a new highway is constructed along the easterly side of the railroad from Burbank northerly toward San Fernando, for which Fourth street has been suggested, that the so-called "Turkey crossing" be closed. This report recommends that this work be carried out within a period of three years.

From the evidence, it appears that it would be unwise to establish a grade crossing of such a potentially important highway over an important high-speed railroad, when it is so evident that the traffic on this street, when opened, will justify the expense of establishing a grade separation. This feature, considered in conjunction with the fact that the construction of a temporary grade crossing soon to be replaced with a grade separation, involves an unnecessary expenditure of money, and leads to the conclusion that this application should be denied. However, it appears proper to state, at this time, that I would recommend the approval of an application for a grade separation at this location, if such an application were presented to the Commission for consideration.

The following form of order is recommended:

ORDER.

Hearing having been held on the above entitled application and the matter now standing submitted and ready for decision, for reasons set forth in the foregoing opinion;

It is hereby ordered, that the above entitled application be and the same is hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of May, 1926.

DECISION No. 16761.

IN THE MATTER OF THE APPLICATION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY FOR AN ORDER AUTHORIZING THE CONSTRUCTION AT GRADE OF A TRACK ACROSS CERTAIN STREETS AND LANES IN THE CITY OF RICHMOND, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

Application No. 12590.

Decided May 25, 1926.

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GRADE CROSSING—STEAM RAILROAD—TO CONSTRUCT.—Application of The Atchison, Topeka and Santa Fe Railway Company to extend its tracks across Cutting boulevard and other streets and lanes in the city of Richmond granted. Permission to cross Cutting boulevard conditioned on separation of grades in ten years.

Platt Kent, for The Atchison, Topeka and Santa Fe Railway Company.
Thomas Carlson, for the City of Richmond.
Gwyn H. Baker, for Richmond Navigation and Improvement Company.

SEAVEY, *Commissioner*.

OPINION.

In the above entitled application authority is sought by The Atchison, Topeka and Santa Fe Railway Company to construct a railroad track at grade across Ohio avenue, Cutting boulevard and a number of unimportant and in general unimproved streets in the city of Richmond, county of Contra Costa.

A public hearing was held on May 4, 1926, at San Francisco, at which time the matter was submitted.

The track proposed in this application is designed to serve a sugar loading dock on the Richmond inner harbor near Ellis Landing south of Cutting boulevard at Eighth street. The spur alignment leaves the Oakland branch of the Santa Fe about five hundred eighty-six feet easterly of the easterly line of Garrard boulevard, curves to the southeast and crosses Ohio, Florida and Maine avenues, and then enters and runs longitudinally along Atchison avenue to Potrero avenue, crossing First street, Virginia avenue, Second, Third and Fourth streets, Cutting boulevard, Fifth and Sixth streets. At Potrero avenue the spur enters private right of way and after crossing Seventh street curves to the south, crossing Eighth street and Hermann avenue, entering Eighth street and running south thereon to the sugar loading dock, crossing Wright avenue, Commercial avenue and Dock street. All of the streets crossed on this route are paper streets with the exception of Ohio, Second, Third and Fourth streets and Cutting boulevard.

Cutting boulevard is an important high-speed highway artery and carries practically all of the travel using the Richmond-San Rafael ferry and most of the local travel between Point Richmond and Pullman, El Cerrito, Albany, Berkeley and Oakland. Ohio street is a fairly important thoroughfare and is traversed by a street car line of Key System Transit Company. The other improved streets are unimportant.

The engineering department of the Commission, through Transportation Engineer A. G. Mott, made a statement at the hearing recommending the granting of the application subject to two conditions: first, that the crossing at grade across Cutting boulevard be protected by two automatic flagmen; second, that the crossing at

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grade of Cutting boulevard be granted only upon condition that the grades be separated within a period of ten years from the date of the order, providing, however, that The Atchison, Topeka and Santa Fe Railway and the city of Richmond have under such order the privilege of an extension of time for such separation, providing they prove such an extension of time justified. The latter provision, of course, not to relieve the Commission upon its own motion from ordering such separation at any time, after investigation, it is convinced that traffic conditions on either the highway or the railway or both have changed to such an extent as to require such separation.

Applicant and the city of Richmond each stipulated that an order containing such conditions would be satisfactory to them and further stipulated that they were willing that the cost of such separation be assessed equally between them if and when required. However, it appears that this is not a proper time for this Commission to pass upon a division of cost of this separation of grade and that, as far as this Commission's approval is concerned, such an apportionment should be made and depend upon conditions in existence at the time such separation is required. This decision, therefore, should not be construed as indicating either this Commission's approval or disapproval of the interested parties' stipulation as to division of cost. The following form of order is recommended:

ORDER.

The Atchison, Topeka and Santa Fe Railway Company having made application for permission to construct a railroad track at grade across certain streets in the city of Richmond, county of Contra Costa, State of California, as set forth in the foregoing opinion, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact that public convenience and necessity require the establishment of a railroad track at grade along the route above indicated; therefore,

It is hereby ordered, that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to construct a railroad track at grade across the following streets in the city of Richmond, county of Contra Costa, State of California: Ohio avenue, Florida avenue, Maine avenue, First street, Virginia street, Second street, Third street, Fourth street, Cutting boulevard, Fifth street, Sixth street, portion Atchison avenue, Seventh street, Eighth street, Hermann avenue, Wright avenue, Commercial avenue and Dock street.

The center line of said railroad track is described as follows:

Beginning at a point in the center line of an existing track of the A. T. & S. F. Ry. Co., in the city of Richmond, county of Contra Costa, State of California,

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said point being 586.02 feet easterly, as measured along said center line of said existing track, from the easterly line of Garrard boulevard; thence easterly on the arc of a curve concave to the south and having a radius of 942.29 feet, a distance of 86.17 feet; thence southeasterly on the arc of a curve concave to the southwest and having a radius of 478.34 feet, a distance of 318.75 feet; thence southeasterly on a line which is tangent to last hereinbefore described curve, a distance of 9.98 feet to a point in the northerly line of Ohio avenue, said point being 1108.84 feet easterly as measured along the northerly line of Ohio avenue, from the easterly line of Garrard boulevard; thence continuing southeasterly and crossing Ohio avenue and private property a distance of 720.6 feet to a point in the northerly line of Florida avenue, said point being 1062.3 feet westerly as measured along the northerly line of Florida avenue, from the westerly line of First street; thence continuing southeasterly and crossing Florida avenue and private property a distance of 735.2 feet to a point in the northerly line of Maine avenue, said point being 533.0 feet westerly as measured along the northerly line of Maine avenue, from the westerly line of First street; thence continuing southeasterly and crossing Maine avenue and private property, a distance of 120.0 feet to a point; thence continuing southeasterly on the arc of a curve concave to the northeast and having a radius of 1910.08 feet, a distance of 353.3 feet to a point; thence continuing southeasterly on a line which is tangent to the last hereinbefore described curve, a distance of 135.0 feet to a point in the northwesterly termination of Atchison avenue, said point being 21.0 feet southwesterly from the northeasterly line of Atchison avenue as measured at right angles thereto; thence continuing southeasterly over and along Atchison avenue, on a line parallel to and distant 21.0 feet southwesterly from the northeasterly line of said Atchison avenue, and crossing First, Second, Third, Fourth, Fifth streets, Virginia avenue and Cutting boulevard, a distance of 1724.10 feet to a point; thence continuing southeasterly over and along Atchison avenue and crossing Sixth street, on the arc of a curve concave to the southwest and having a radius of 955.37 feet, a distance of 135.3 feet to a point; thence continuing southeasterly over and along Atchison avenue, on a line which is tangent to the last hereinbefore described curve, a distance of 158.6 feet to a point in the southeasterly termination of Atchison avenue, said point being 10.06 feet southerly from the northwesterly corner of block numbered (1) of Richmond harbor addition to the city of Richmond, as measured along the westerly line of said Block Number One, said corner being the termination of the southerly line of Potrero avenue into Atchison avenue; thence continuing southeasterly over and across private right of way a distance of 131.6 feet to a point in the west line of Seventh street, said point being 96.44 feet southerly as measured along the westerly line of Seventh street from the southerly line of Potrero avenue; thence continuing southeasterly crossing Seventh street and private right of way, a distance of 260.7 feet to a point; thence continuing southeasterly on the arc of a curve concave to the southwest and having a radius of 459.28 feet, a distance of 144.9 feet to a point in the westerly line of Eighth street, said point being 69.09 feet northerly as measured along the westerly line of Eighth street, from the northerly line of Hermann avenue; thence continuing southeasterly along the arc of the last hereinbefore described curve and over and along Eighth street and private right of way and crossing Hermann avenue, a distance of 241.3 feet to a point, said point being 23.5 feet easterly from the westerly line of Eighth street, and 101.77 feet southerly from the southerly line of Hermann avenue produced across Eighth street; thence southerly on private right of way, along a line parallel to and distant 23.5 feet easterly from the westerly line of Eighth street, crossing Wright and Commercial avenues, a distance of 1589.5 feet to the northerly line of Dock street.

and as shown by the map (Applicant's Exhibit No. 1) filed at the hearing. Said crossings are to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class con-

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dition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings of Ohio avenue, Second, Third, Fourth streets and Cutting boulevard shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission, and shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Said crossings shall be so constructed that grades of approach not exceeding one per cent will be feasible in the event that the construction of roadway along said Florida and Maine avenues, First, Virginia, Fifth and Sixth streets, portion of Atchison avenue, Seventh and Eighth streets, Hermann, Wright and Commercial avenues, and Dock street shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(4) Two automatic flagmen shall be installed and maintained for the protection of the crossing at Cutting boulevard. Said automatic flagmen shall be of a type and installed in accordance with plans or data approved by the Commission.

(5) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(6) This order is made upon the express condition that said Florida and Maine avenues, First, Virginia, Fifth and Sixth streets, portion of Atchison avenue, Seventh and Eighth streets, Hermann, Wright and Commercial avenues, and Dock street are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad track.

(7) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The authority herein granted to applicant to construct this railroad track across Cutting boulevard is given under the express condition that the grades at this crossing be separated within ten years of the date of this order. The time limit specified for constructing said grade separation may be extended beyond said ten-year period upon presentation to this Commission by applicant at a public hearing of evidence that conditions at this location have not changed or will not change sufficiently to warrant the expense of constructing such separa-

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tion. Nothing in this order shall prohibit this Commission on its own motion from conducting an investigation at any time as to the necessity of ordering said grade separation constructed, nor shall anything in this opinion and order be construed as a determining at this time of an apportionment of costs of such grade separation between the interested parties by this Commission.

(9) Nothing in this order shall be construed as an authorization for the construction of said track across the track or tracks of Key System Transit Company in Ohio street.

(10) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For all other purposes the authority herein granted shall become effective twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of May, 1926.

DECISION No. 16769.

IN THE MATTER OF THE APPLICATION OF REDONDO HOME TELEPHONE COMPANY, A CORPORATION, FOR A REVISION OF ITS RATES FOR TELEPHONE SERVICE.

Application No. 9560.
Decided May 25, 1926.

RATES—TELEPHONE UTILITY—RATE AREA—TO REVISE.—Redondo Home Telephone Company having complied with the conditions of previous order, it is authorized to revise rates and its primary rate area.

BY THE COMMISSION.

SUPPLEMENTAL ORDER.

This Commission, in its Decision No. 13862 (25 C. R. C. 236), issued August 2, 1924, authorized the Redondo Home Telephone Company to file and make effective certain modifications in its existing rates and charges and primary rate area upon completion of such additions and changes in its telephone plant and system that adequate service will be rendered to existing subscribers and that all reasonable demands for service may be met, and to make effective such other changes in its rates or service as may hereafter be found reasonable by the Commission, and upon proper showing before this Commis-

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sion that such additions and changes have been made to its system and that adequate service is being furnished and that such relief is necessary, and upon issuance of a supplemental order by the Railroad Commission.

The Commission has now before it evidence showing that the Redondo Home Telephone Company has made such additions and changes in its telephone plant and system, that adequate service may be furnished and that all reasonable demands for service have been met and that adequate service is being furnished and there appears to be no reason why a modification in rates as set forth in the decision above referred to should not now be made effective.

It is hereby ordered, that Redondo Home Telephone Company:

(1) Make effective the following modifications to its existing rates and charges for telephone service furnished on and after June 1, 1926:

(a) Individual line service.

The rates for individual line business and residence service to be:

Service	Rate per month Wall set	Desk set
Business service—individual line	$3.50	$3.75
Residence service—individual line	2.75	3.00

(b) Private branch exchange service.

The rate for trunk lines to private branch exchange to be:

First trunk	$5.50 per month
Each additional trunk	4.50 per month

(c) Press service.

The rate for trunk line for press service to be the individual business line wall set rate.

(d) Hand microphone sets.

The rate for hand microphone set to be the wall set rate plus $0.75 per month.

(e) Eight-party line service within primary rate area.

Eight-party line business or residence service to be discontinued within the primary rate area.

(2) Modify the primary rate area boundary in accordance with the boundaries shown on Exhibit No. 1 attached hereto.

(3) File with this Commission on or before May 29, 1926, the modifications in rates and primary rate area as referred to in sections 1 and 2 above.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twenty-fifth day of May, 1926.

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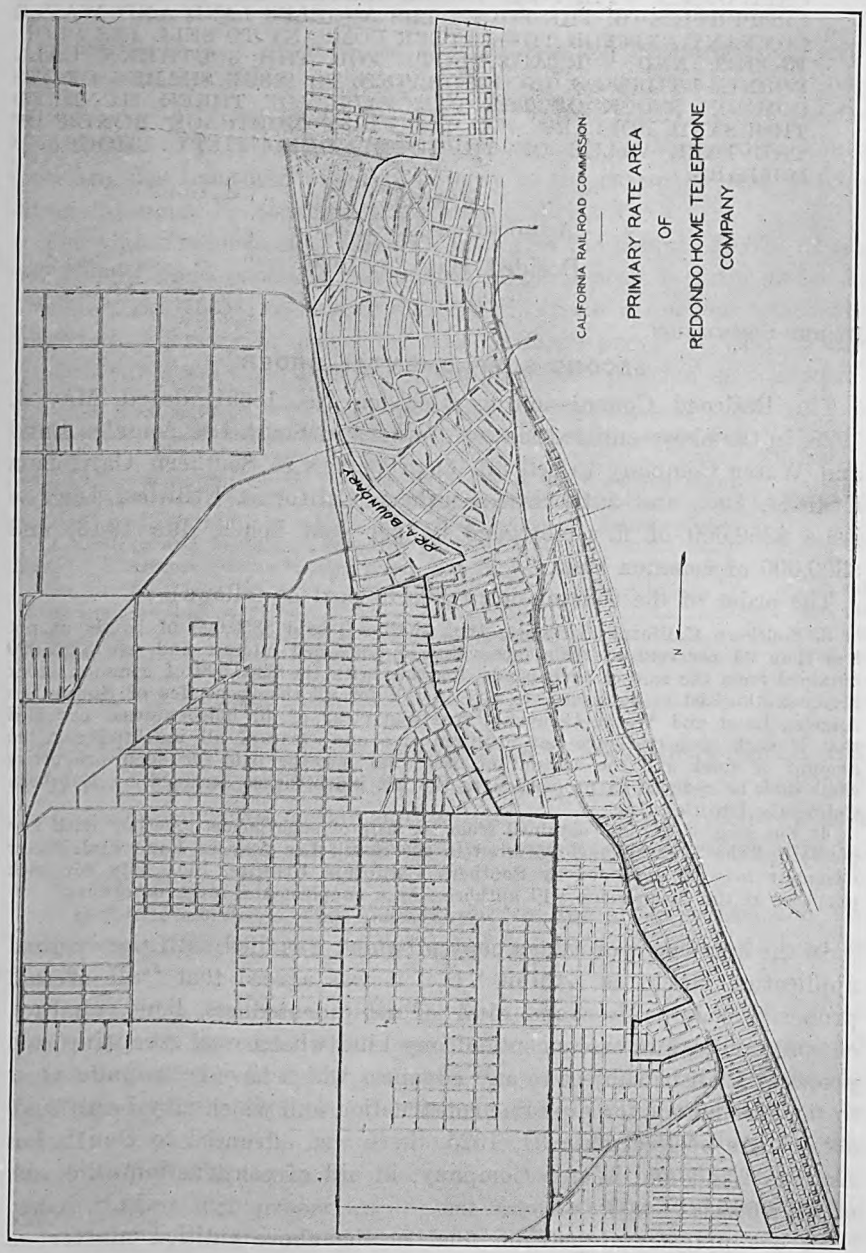
EXHIBIT No. 1.

Map Showing Primary Rate Area of Redondo Home Telephone Company.



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DECISION No. 16771.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA UTILITIES, INCORPORATED, AND SOUTH LOS ANGELES LAND AND WATER COMPANY FOR AUTHORITY FOR THE SOUTHERN CALIFORNIA UTILITIES, INCORPORATED, TO PURCHASE THE PROPERTIES OF THE SOUTH LOS ANGELES LAND AND WATER COMPANY AND FOR THE LATTER COMPANY TO SELL ITS PROPERTIES, AND FOR AUTHORITY FOR THE SOUTHERN CALIFORNIA UTILITIES, INCORPORATED, TO ISSUE SHARES OF ITS COMMON STOCK OF THE PAR VALUE OF THREE HUNDRED THOUSAND DOLLARS AND ITS FIRST MORTGAGE BONDS OF THE FACE VALUE OF THREE HUNDRED FIFTY THOUSAND DOLLARS.

Application No. 12587.

Decided May 25, 1926.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

The Railroad Commission by Decision No. 16651, dated May 4, 1926, in the above entitled matter, authorized South Los Angeles Land and Water Company to sell all its properties to Southern California Utilities, Inc., and authorized Southern California Utilities, Inc., to issue $350,000 of first-mortgage 6½ per cent bonds, due 1946, and $300,000 of common stock.

The order of the Commission reads in part as follows:

3. Southern California Utilities, Inc., shall sell said $350,000 of bonds at not less than 94 per cent of their face value and accrued interest and use $282,000 obtained from the sale of such bonds, together with the $300,000 of common stock herein authorized to be issued, to pay in full for all the properties of South Los Angeles Land and Water Company, free and clear of all indebtedness, provided that if such properties are not acquired free and clear of all indebtedness, the amount of stock and the amount of cash that may be paid for such properties shall each be reduced in proportion to the net indebtedness assumed by Southern California Utilities, Inc.

4. The sum of $47,000 obtained from the sale of such bonds, together with any portion of the $282,000 not delivered to the South Los Angeles Land and Water Company may be expended by Southern California Utilities, Inc., only for such purposes as the Commission will authorize by a supplemental order or orders.

In the agreement of sale, a copy of which was filed with the original application herein as Exhibit "D," it was agreed that "all of said property shall be free and clear of all indebtedness, liens, charges, encumbrances, and assessments of any kind whatsoever, excepting said property shall be subject to any advances which have been made prior to the date hereof for pipe line construction and which may be refundable." As of December 31, 1925, there was advanced to South Los Angeles Land and Water Company, in aid of construction, the sum of $67,966.17.

In a supplemental petition filed in the above entitled matter on May 20, 1926, it is reported that it is necessary for Southern California

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Utilities, Inc., in order to fulfill the terms of the agreement, to assume the liability to refund all advances for pipe line construction which are refundable and that South Los Angeles Land and Water Company is unwilling to have the cash payment for its properties reduced in proportion to such advances as are assumed by the purchasing company, as contemplated in the order in Decision No. 16651. The Commission is therefore asked to make an order modifying its former decision so as to reduce the amount of stock to be delivered to South Los Angeles Land and Water Company to the extent of such indebtedness assumed by Southern California Utilities, Inc.

The Commission is also asked to authorize the use of $39,000 of the $47,000 of bond proceeds referred to in paragraph 4 of the order in Decision No. 16651, to finance the cost of certain extensions which are reported necessary in order for it to maintain proper service. These expenditures are described in the supplemental petition as follows:

10" cast iron main on Wilmington street between Merrill avenue and Florence avenue and on Walnut drive between Florence avenue and Nadeau street, 5500 feet	$15,000 00
New 14" well approximately 300 feet in depth at the Goodyear plant. Estimated cost of drilling and installing pumping equipment	7,000 00
New 14" well at Huntington Park plant, 800 feet deep. Estimated cost of drilling and installing necessary pumping equipment	13,500 00
New 8" Fairbanks-Morse booster pump and 75 h.p. motor at Huntington Park	2,000 00
Sunstrand adding machine	475 00
Ford truck	525 00
Filing cabinets, consumers ledger, card trays, etc., for office equipment	500 00
Total	$39,000 00

The Commission has given consideration to applicant's request and is of the opinion that it should be granted, as herein provided, and that the expenditures herein authorized are reasonably required, and are not, in whole or in part, reasonably chargeable to operating expense or to income;

It is hereby ordered, that paragraph 3 of the order in Decision No. 16651, dated May 4, 1926, be and it is hereby modified so as to read as follows:

3. Southern California Utilities, Inc., shall sell said $350,000 of bonds at not less than 94 per cent of their face value and accrued interest and use $282,000 obtained from the sale of such bonds, together with the $300,000 of common stock herein authorized to be issued, to pay in full for all the properties of South Los Angeles Land and Water Company, free and clear of all indebtedness, provided that if such properties are not acquired free and clear of all indebtedness, the amount of stock to be delivered in part payment for such properties shall be reduced in the same amount as the amount of indebtedness assumed by Southern California Utilities, Inc.

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It is hereby further ordered, that Southern California Utilities, Inc., be and it is hereby authorized to use approximately $39,000 of the proceeds from the sale of the $350,000 of bonds authorized by said Decision No. 16651, dated May 4, 1926, to finance the cost of the extensions, additions and betterments referred to herein and described in the supplemental petition filed in this proceeding on May 20, 1926.

It is hereby further ordered, that the order in Decision No. 16651, dated May 4, 1926, as amended, shall remain in full force and effect except as modified by this second supplemental order.

Dated at San Francisco, California, this twenty-fifth day of May, 1926.

DECISION No. 16782.

M. G. FILLIPPONI AND P. F. MAGORIA, COPARTNERS TRANSACTING BUSINESS UNDER THE FIRM NAME AND STYLE OF CAMBRIA TRUCK COMPANY, A COPARTNERSHIP; DOMINGO S. ROSA, DOING BUSINESS UNDER THE NAME OF CAMBRIA STAGE LINE, AND HENRY MINETTI AND DAVE VANONI, TRANSACTING BUSINESS UNDER THE FIRM NAME OF COAST TRUCK COMPANY,

vs.

BENJAMIN TONINI.

Case No. 1812.

BENJAMIN TONINI

vs.

D. S. ROSA.

Case No. 1832.

D. S. ROSA

vs.

CAMBRIA TRUCK COMPANY.

Case No. 1969.

E. L. McCONNEL AND JOE GENARDINI

vs.

D. S. ROSA.

Case No. 2000.

IN THE MATTER OF THE APPLICATION OF D. S. ROSA FOR A CERTIFICATE DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE OPERATION OF AN AUTOMOBILE STAGE LINE CARRYING PASSENGERS AND EXPRESS BETWEEN THE TOWNS OF CAMBRIA AND SAN SIMEON IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

Application No. 8257.

IN THE MATTER OF THE APPLICATION OF E. L. McCONNEL FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE PASSENGER AND EXPRESS AND FREIGHT SERVICE

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BETWEEN SAN LUIS OBISPO AND SAN SIMEON AND INTERMEDIATE POINTS.

Application No. 8358.

IN THE MATTER OF THE APPLICATION OF D. S. ROSA FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE FREIGHT AND PASSENGER SERVICE BETWEN SAN LUIS OBISPO AND SAN SIMEON, CALIFORNIA.

Application No. 9670.

Decided May 28, 1926.

CERTIFICATE—AUTO TRANSPORTATION—ILLEGAL OPERATION.—Certificate granted to E. L. McConnel to operate auto passenger freight and express service between San Luis Obispo and San Simeon, serving Morro, Cayucos, and Cambria as intermediate points. Application of Benjamin Tonini denied. D. S. Rosa ordered to discontinue unauthorized service. District attorney of San Luis Obispo county notified of such illegal operation.

S. V. Wright and *Harry N. Blair*, for
E. L. McConnel, successor in interest of M. G. Fillipponi and P. F. Magoria, complainants in Case No. 1812;
E. L. McConnel, successor in interest of Henry Minetti and Dave Vanoni, complainants in Case No. 1812;
E. L. McConnel, as agent for Benjamin Tonini, defendant in Case No. 1812;
E. L. McConnel, as agent for Benjamin Tonini, complainant in Case No. 1832;
E. L. McConnel, successor in interest of Cambria Truck Company, defendant in Case No. 1929;
E. L. McConnel and Joe Genardini, complainants in Case No. 2000;
E. L. McConnel, as agent for Benjamin Tonini, protesting Application No. 8257;
E. L. McConnel, Applicant in Application No. 8358;
E. L. McConnel, as proprietor of Valley and Coast Transit Company, successor to Coast Truck Co., and Cambria Truck Co., and as manager of Tonini Star Mail Route (Benjamin Tonini, Prop.), protesting Application No. 9670;
Joe Genardini, proprietor of Morro Truck Line, protesting Application No. 9670.
H. J. Dubin, substituted for Albert Nelson, representing Domingo S. Rosa, one of the complainants in Case No. 1812; substituted for Albert Nelson, representing Domingo S. Rosa, defendant in Case No. 1832.
H. J. Dubin, for
D. S. Rosa, Complainant in Case No. 1967;
D. S. Rosa, Defendant in Case No. 2000;
D. S. Rosa, Applicant in Application No. 8257;
D. S. Rosa, Protesting Application No. 8358;
D. S. Rosa, Applicant in Application No. 9670.

BY THE COMMISSION.

OPINION.

In the above entitled proceedings said Case No. 1969, said Case No. 2000, said Application No. 8358 and said Application No. 9670 were consolidated for hearing at San Luis Obispo by Examiner Satterwhite on May 20, 1924, for the reason that the issues involved in each and all of said matters embraced the same territory proposed to be served, and that the only persons involved as the real parties in interest at the time of the hearing were said D. S. Rosa and said E. L. McConnel.

The Railroad Commission by an order duly made on the second day of May, 1924, set aside the submissions in four of the above entitled matters, viz: Complaint No. 1812, Complaint No. 1832, Application

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No. 8257 and Application No. 8358, in order that a full and final hearing might be had on all of the above entitled matters and a final order and decision rendered upon all of the issues involved in said matters.

A public hearing on all of said matters was conducted before Examiner Satterwhite at San Luis Obispo, the matters were submitted and are now ready for decision.

In Complaint No. 1812 the original complainants were M. G. Fillipponi and P. F. Magoria, copartners under the firm name of Cambria Truck Company; Domingo S. Rosa, doing business under the name of Cambria Stage Line, and Henry Minetti and Dave Vanoni, transacting business under the firm name of Coast Truck Company. This case was originally heard by Examiner R. T. Eddy and submitted for decision on October 30, 1922. Since its original submission said E. L. McConnel, by transfer duly authorized by this Commission, has succeeded to the truck service of said Cambria Truck Company and said Coast Truck Company under Decision No. 13000 in Application No. 9577 and Decision No. 11354 in Application No. 8487.

Complainants in this Case No. 1812 allege in substance and effect that said defendant Benjamin Tonini has ceased and failed to maintain his authorized service under Decision No. 6807 in Application No. 4097 at all times since June 30, 1922; that as the owner of the mail contract from the United States government to carry the mail between San Luis Obispo and San Simeon, said defendant transported only such passengers and light freight as he could conveniently carry along with said mail on one automobile; that his said service to the public was incidental to his mail contract and that he consistently refused all baggage and freight, except bread and small packages for stores along his route; that at no time did defendant render service as a common carrier of freight and passengers in good faith; and that his sevice was entirely subordinated to the carrying of mail. Complainants prayed for an order of the Railroad Commission annulling and revoking the said operative rights of said defendant between San Luis Obispo and San Simeon. Benjamin Tonini, said defendant, in his answer filed herein denies generally and specifically all of the material allegations contained in said complaint.

During the hearing of the above named proceedings no new or additional evidence was presented in support of the said complaint and the matter was submitted by said complainant Domingo Rosa on the evidence taken and records made at the hearing of said case before Examiner R. T. Eddy on October 30, 1922. Said E. L. McConnel, as legal successor in interest of the other said complainants, moved a dismissal of said complaint.

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The evidence and record shows that said defendant Benjamin Tonini was granted a certificate by the Railroad Commission on October 28, 1919, to operate a passenger and freight service between San Luis Obispo and San Simeon. It appears that he had been carrying the United States mail over this route for several years and continued to do so until his mail contract expired on June 30, 1922, at which time he made and executed a power of attorney to said E. L. McConnel to operate said passenger and freight service for him. Said E. L. McConnel has ever since said time continued to operate said service. It appears that said defendant used a Ford car with a delivery body when he began his authorized service and shortly thereafter purchased a Packard car, which was later remodeled by removing the back seat. This change was necessary, in order to make room for the increasing volume of mail.

The record shows that since securing a certificate Tonini has transported only such passengers and light freight as could be conveniently handled along with the mail, and that his service to the public was merely incidental to the mail contract. If more than two passengers presented themselves for a given trip it was the practice of Tonini to turn the extra passengers over to the Cambria Stage Line. At times the mail was so heavy that he declined to handle either freight or passengers. During the three months prior to July 1, 1922, Tonini, because of the large quantities of mail, was compelled to refuse all packages, except some bread and a few small packages for the stores. The freight business handled by him consisted in the main of perishable goods, small machine parts and merchandise requiring prompt delivery.

The record clearly shows that Tonini regarded the passenger and package traffic only as an incident to the mail contract and that at no time has he attempted to render service as a common carrier of freight or passengers as that term is ordinarily used. Having secured the mail contract he applied for and obtained from this Commission a certificate of public convenience and necessity to operate a passenger and freight service. Having secured the certificate he accepted such package freight as could be piled on top of the mail which ordinarily filled the body of his car and at times had to be strapped to the running board. He accepted only such passengers as could be accommodated on the seat beside the driver or who were willing to ride on top of the sacks of mail. He made no effort to accommodate the public by putting on such additional equipment as might be necessary to properly or adequately handle passengers and freight. His service to the public was subordinated to the carrying of the mail and his operations have never been conducted as a common carrier of passengers and freight, and so far as the public is concerned he virtually

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abandoned his service three months prior to the expiration of the mail contract when the volume of mail became so heavy as to make it necessary for him to decline to receive passengers and freight.

After a careful consideration of the evidence, we are of the opinion and hereby find as a fact that said Benjamin Tonini, defendant, has not in fact been operating as a common carrier of passengers and freight between San Luis Obispo and San Simeon under the certificate granted him by this Commission on October 28, 1919, and the order herein will annul and revoke said certificate because of defendant's failure to render such service particularly during the three months prior to July 1, 1922.

Case No. 1832 is a complaint by said Benjamin Tonini against Domingo S. Rosa. Complainant alleges in substance and effect that said defendant for a long time prior to the filing of said complaint had been operating a passenger and freight service between San Luis Obispo and San Simeon without any authority from the Railroad Commission so to do; that said defendant has violated the law and the rules of the Railroad Commission in his operation as an authorized common carrier of passengers and freight under the authority of this Commission in the following particulars, to wit: That defendant has failed on many occasions, without justification, to make regular trips between San Luis Obispo and Cambria as provided under defendant's time schedule on file with the Railroad Commission and has also on many occasions hauled packages of greater weight than 75 pounds, although defendant's tariff of rates provides that no package of more than 75 pounds shall be accepted or carried.

Defendant filed a written answer to said complaint in which he denies specifically each and all of the allegations of said complaint. This case was first heard before Examiner R. T. Eddy on January 16, 1923, and on that date after receipt of some evidence the hearing was adjourned to a date to be fixed. During the hearing of this case before Examiner Satterwhite on May 20, 1924, no further evidence whatever was presented in support of said complaint, but by stipulation of said parties in said proceeding the matter was submitted upon the records of the former proceedings of said case. We have carefully read and examined the transcript of the testimony and record in this case made before Examiner Eddy on January 16, 1923, and it discloses that complainant at that time offered but scant or no evidence in support of said complaint or the allegations thereof and the record contains no evidence at all to justify the relief sought by said complaint and the order herein will therefore contain a dismissal of said complaint.

Case No. 1969 is a complaint by D. S. Rosa against Cambria Truck Company, filed January 2, 1924. Complainant alleges that said defend-

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ant Cambria Truck Company had violated the terms of its certificate in that it had entirely abandoned its authorized truck service on and after December 24, 1923, without first securing permission to do so from this Commission. Said E. L. McConnel, as the successor in interest of the said Cambria Truck Company, filed an answer to said complaint, denying each and all of the allegations of said complaint. The record shows that during the interim between the filing of said complaint and the hearing of the instant proceedings this Commission, by its Decision No. 13000 on Application No. 9577, authorized the transfer of the said operative rights of said Cambria Truck Company to said E. L. McConnel. At the time of the filing of said complaint the record shows that the Cambria Truck Company was owned by said M. J. Fillipponi.

D. S. Rosa testified in support of his complaint and called one other witness. The testimony of complainant was substantially to the effect that said defendant abandoned and did not operate his truck service for about a week or ten days during the period between December 27, 1923, and January 3, 1924; by reason of the fact that the Bank of Cambria had taken possession of Fillopponi's truck, which was used in the service, under the terms of a certain chattel mortgage held by the said bank and that after the seizure of this truck, said defendant had never again operated his service. E. L. McConnel, as successor in interest of the said defendant Cambria Truck Company, offered oral and documentary evidence in support of his answer to said complaint, which shows clearly and without contradiction that said McConnel and said M. G. Fillipponi filed a joint application with this Commission for an order authorizing Fillipponi to sell and McConnel to purchase the operative rights granted to said Fillipponi between San Luis Obispo and San Simeon under Decision No. 10511 in Application No. 9877, which is the operative right said complainant asks to have revoked in this complaint. On January 9, 1924, this Commission authorized the proposed transfer in its Decision No. 13000, in Application No. 9577. The record also shows that almost simultaneously with the seizure by the Cambria Bank of Fillipponi's truck, E. L. McConnel by written authority from Fillipponi continued to operate this truck service for Fillipponi until January 9, 1924 when this Commission authorized, as above indicated, the proposed transfer of said truck service. The record further shows that E. L. McConnel, as the authorized purchaser, has ever since said date operated a very satisfactory service over said route.

A careful consideration of the evidence in this proceeding convinces us that there is no merit in said complaint and the order herein will contain a dismissal of the same.

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Case No. 2000 is a complaint by said E. L. McConnel and Joe Genardini against D. S. Rosa. Complainants allege in substance and effect that said defendant D. S. Rosa is and had been continuously for a period of about a year prior to the filing of said complaint violating the law and the rules and regulations of the Railroad Commission in the conduct of his operative rights as a common carrier between San Luis Obispo and Cambria by transporting freight and packages in excess of the weight authorized by defendant's certificate of public convenience and necessity as shown by his tariffs on file with the Railroad Commission; that he has frequently charged less than the rates set out in his said tariffs for the transportation of both passengers and freight and for each of them; and that said defendant has carried passengers and freight beyond Cambria, to wit, between Cambria and San Simeon, in excess of his operative rights as such common carrier. Complainant prays for an order of this Commission directing said defendant to discontinue all of said alleged unlawful operations and that his said operative rights between San Luis Obispo and Cambria as a common carrier be annulled and revoked.

Defendant, D. S. Rosa, filed his answer to said complaint denying generally and specifically each and every allegation of said complaint and also set out in said answer a further defense thereto, alleging in substance and effect that he had been operating a passenger and freight service for hire between San Luis Obispo and San Simeon prior to May 1, 1917, and that said service has been a continuous daily operation on a fixed schedule from June 8, 1916, to date of filing his answer herein; that on or about the thirtieth day of September, 1922, said defendant filed with this Commission his Application No. 8257 for a certificate of public convenience and necessity to operate an automobile passenger and express service between Cambria and San Simeon and that thereafter, to wit, on October 30, 1922, a hearing was regularly heard thereon by this Commission and that said defendant verily believed and understood that said application was granted and that he had a right to carry both passengers and freight between said points upon the basis of having filed said application and by reason of the continuity of his service since May 1, 1917. Said defendant prays that the said complaint be dismissed.

Complainant E. L. McConnel called several witnesses and offered documentary evidence in support of his complaint. The record shows that the defendant is an authorized carrier of passengers and freight between San Luis Obispo and Cambria and intermediate points and that his freight and passenger rates as shown by his Local Tariff No. 1 filed with the Railroad Commission on June 1, 1920, are in part as follows, to wit:

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Passenger Rates.

Between	San Luis Obispo	Morro	Cayucos
Morro	$1 50	-----	-----
Round trip	2 50	-----	-----
Cayucos	$2 00	$0 50	-----
Round trip	3 50	-----	-----
Cambria	$3 00	$2 00	$1 50
Round trip	5 00	-----	-----

Freight Rates.

Rule 9. Rates for Transportation of Packages:

Packages weighing over and up to 5 pounds	$0 25
Packages weighing 5 pounds and not over 20 pounds	50
Packages weighing 20 pounds and not over 40 pounds	75
Packages weighing 41 pounds and not over 75 pounds	1 00

(at the carrier's option)

Packages over 75 pounds not accepted for transportation.

A considerable number of witnesses, merchants and shippers at San Luis Obispo, Cambria, Cayucos and other points, testified that said defendant, D. S. Rosa, had on many occasions transported for them goods, wares and merchandise between these points, and that frequently many of said shipments were in excess of 75 pounds and often weighed as much as 100 pounds and over. These various shipments consisted mainly of groceries, hardware, meats, potatoes, flour, ice cream, cream and milk. Complainant also showed by several witnesses that defendant had frequently charged rates and fares for both passengers and freight at variance with his approved tariff on file with this Commission. It was shown that defendant had transported from time to time various shipments between San Luis Obispo and Cambria for 40 cents per hundredweight and had also frequently carried cream from Cambria to San Luis Obispo for 30 cents per hundredweight and cream cans for 15 cents per 50 pounds and from Cayucos to San Luis Obispo for 20 cents per hundredweight, all of which charges are below his scheduled rates as above set out. The record shows that applicant has also carried passengers between San Luis Obispo and Cambria for $2.50 which is below his approved tariff. It is also shown that defendant has for the past year operated his stages more or less regularly and carried passengers and freight to San Simeon, which town is nine miles beyond Cambria, without any authority from this Commission.

Defendant, D. S. Rosa, offered no testimony which contradicts to any extent the foregoing facts, as shown by the evidence of said complainant. As the sole witness in his own behalf defendant admitted his entire lack of knowledge and ignorance of the rules and regulations

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of the Railroad Commission. His testimony shows that he has had no understanding or appreciation of the difference between an approved tariff or a proposed tariff and it appears that he has believed in good faith that a proposed tariff was as effective and valid as an approved tariff. The record shows that during the several years that defendant has operated a stage service between San Luis Obispo and Cambria by authority of this Commission under Decision No. 5476 in Application No. 3673, and without any right or authority beyond Cambria to San Simeon, only one tariff has ever been filed by him and accepted by this Commission, said tariff being defendant's Local Tariff No. 1, filed on June 1, 1920, under authority of the certificate issued in the above Decision No. 5476. It appears that defendant has offered two proposed tariffs since his approved tariff was filed, each in connection with his two above entitled applications, viz: Application No. 8257 and Application No. 9670. He testified that after filing said Application No. 8257 he began charging rates substantially as proposed in that application and continued to do so until he filed said Application No. 9670, when he began charging rates as proposed in that application and has continued to do so ever since. These proposed rates in both of said defendant's last mentioned applications are at variance with and in the main lower than his established or legal tariffs on file with the Commission.

The evidence clearly shows that defendant has never maintained a continuous or regular service since May 1, 1917, between San Luis Obispo and San Simeon or between Cambria and San Simeon or has ever presented or filed for approval, or otherwise, any rates or time schedules in connection with any service he may have carried on over that particular route. The record further discloses that defendant at the time he filed his verified Application No. 8257 admitted therein and alleged definitely that there was no automobile stage service entitled to carry passengers to and from San Simeon and moreover the record further shows that at the hearing of said application before Examiner Richard T. Eddy at Cayucos on October 30, 1922, defendant stipulated that he had no such operative rights.

We have carefully considered all the evidence in this case and find as a fact that defendant has no operative rights between San Luis Obispo and San Simeon or between Cambria and San Simeon and his service between these points is unlawful and should be immediately discontinued and the order herein will direct said defendant to cease such service.

The Commission is not disposed to revoke the present operative rights of defendant between San Luis Obispo and Cambria, as prayed for by said complainant, for the reason that it clearly appears that the violations of the law and the rules and regulations of this Commis-

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sion, as shown by the evidence as above set out, were the result of ignorance on the part of the defendant, together with his belief in good faith that he had the right to operate his service at variance with his filed tariffs, and in accordance with his proposed tariffs, as soon as filed. While the Commission, however, will look with disfavor hereafter upon any further violations by defendant of the rules and regulations of this Commission in the future conduct of his stage service, the said complaint will be dismissed in so far as it seeks the revocation of defendant's existing operative rights between San Luis Obispo and Cambria.

We now come to the consideration of the evidence in support of the above entitled applications. During the hearing of the instant proceedings, Application No. 8257 was dismissed without prejudice by said D. S. Rosa in lieu of his subsequent Application No. 9670, filed January 5, 1924, which proposes substantially the same service sought in his former Application No. 8257. This application, therefore, will be dismissed without prejudice to his said Application No. 9670.

D. S. Rosa in Application No. 9670 has petitioned the Railroad Commission for an order, declaring that public convenience and necessity require the operation by him of an automobile stage service as a common carrier of passengers and freight between San Luis Obispo and San Simeon and intermediate points. Applicant proposes to charge rates and to operate on a time schedule in accordance with amended Exhibit "A" and Exhibit "B," attached to said application and to use the equipment described in Exhibit "C." This proposed service would be an extension of applicant's present authorized service between San Luis Obispo and Cambria.

E. L. McConnel in Application No. 8358 has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers, freight and express between San Luis Obispo and San Simeon and intermediate points. Applicant proposes to charge rates and to operate on a time schedule in accordance with Exhibits "A" and "B," attached to said application and to use the equipment described in Exhibit "C" thereof. Applicant stipulated at the hearing that the proposed service was not sought as a separate service from his present authorized freight service between San Luis Obispo and San Simeon, but indicated his desire and willingness to have such proposed service, if authorized by the Commission, granted in lieu of his present existing operative rights between San Luis Obispo and San Simeon. As above indicated, the applications were consolidated at the hearing at San Luis Obispo for the purpose of receiving evidence and for decision.

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Applicants E. L. McConnel and D. S. Rosa each protested the granting of the application of the other.

The evidence shows that the territory proposed to be served lies between San Luis Obispo and San Simeon, a distance of about fifty miles through a mountainous section devoted mainly to dairying and agricultural pursuits and having a population of about 2000 people. This territory is entirely dependent upon motor transportation for outbound and inbound freight shipments and for passenger travel, with the exception of a small steamer service from San Francisco into San Simeon, the coast terminal. The main outgoing shipments consist of milk and cream and other miscellaneous farm products. San Luis Obispo is the chief buying center for the general merchandise and other stores located in the several towns and for the adjacent rural population.

Many witnesses, consisting of wholesale and retail merchants and business men and others doing business all along the route, appeared at the hearings and endorsed the service of both applicants. The record shows that E. L. McConnel, as the successor in interest and authorized operator of the freight services formerly conducted by the Cambria Truck Company and Coast Truck Company, has not only rendered a satisfactory but also a much improved service over this route. The evidence shows that ever since McConnel took over the passenger and freight service under a power of attorney from Benjamin Tonini on July 1, 1922, as the record shows herein, he has operated a very satisfactory passenger service between the points proposed to be served. The testimony clearly indicates that the people along the route and all of McConnel's patrons desire a continuance of his passenger service. Although the Commission, as hereinabove indicated, has expressed its determination to revoke the operative rights of Benjamin Tonini in the above entitled Complaint No. 1812, it is satisfied by the evidence in these proceedings that E. L. McConnel has at all times acted in good faith in his efforts to purchase said operative rights of Benjamin Tonini, as shown by his prompt application to this Commission for an approval of said transfer and his rendition of an adequate service after taking it over. The record shows that the passenger and freight traffic beyond Cambria to San Simeon from San Luis Obispo is rather limited and that one carrier can adequately take care of it all. It appears that D. S. Rosa has always operated a limited freight and package service between San Luis Obispo and Cambria, as shown by his tariff above set out, the maximum weight being 75 pounds and his instant application only proposes an increase to 100 pounds. E. L. McConnel operates an unlimited freight service between these points and is fully equipped to adequately con-

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duct such a service, the evidence showing that his financial ability and resources are far better than are those of D. S. Rosa and that he has ample equipment to conduct an adequate and satisfactory service between the points he proposes to serve.

After a careful consideration of all the evidence in these proceedings, we are of the opinion and hereby find as a fact that public convenience and necessity require the proposed service of E. L. McConnel and that his application should be granted and we are also of the opinion and hereby find as a fact that the public convenience and necessity do not require the proposed service of said D. S. Rosa and that his application should be denied.

ORDER.

Public hearings having been held in all of the foregoing entitled proceedings, the matters having been consolidated for the purpose of receiving evidence and for decision, and having been duly submitted following the filing of briefs, the Commission being now fully advised and basing its order on the findings of fact as appearing in the opinion which precedes this order;

It is hereby ordered, that the certificate of public convenience and necessity obtained by said Benjamin Tonini under Decision No. 6807, in Application No. 4097, be and the same is hereby revoked and annulled.

It is hereby ordered, that said Complaint No. 1832 be and the same is hereby dismissed.

It is hereby ordered that said Complaint No. 1969 be and the same is hereby dismissed.

It is hereby ordered, that said defendant D. S. Rosa in Complaint No. 2000 be and he is hereby directed to immediately discontinue all passenger and freight service between San Luis Obispo and San Simeon and between Cambria and San Simeon.

It is further ordered, that said Complaint No. 2000 be and the same is hereby dismissed as to all other matters contained therein.

It is hereby ordered, that said application of D. S. Rosa, No. 8357, be and the same is hereby dismissed.

It is hereby ordered, that the said application of D. S. Rosa, No. 9670, be and the same is hereby denied.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by E. L. McConnel of an automobile stage line as a common carrier of passengers, freight and express between San Luis Obispo and San Simeon, serving the intermediate points of Morro, Cayucos, Cambria and intermediate points, provided, however, that the authority herein granted

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shall be limited to packages not exceeding 50 pounds per unit as regards transportation between San Luis Obispo and Morro.

It is hereby ordered, that a certificate of public convenience and necessity for the foregoing service be and the same is hereby granted, provided, however, that the freight and express service hereby granted is not a separate or additional freight and express service, but is in lieu of applicant's present auto freight and express operative rights between said points and subject to the following conditions:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor asssigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty days from the date hereof.

It is hereby ordered, that the secretary of this Commission be and he is hereby directed to serve by registered mail upon said Benjamin Tonini and D. S. Rosa and each of them a certified copy of this order.

It is hereby further ordered, that the secretary of this Commission be and he is hereby further ordered to forward to the district attorney of San Luis Obispo a certified copy of this order.

Dated at San Francisco, California, this twenty-eighth day of May, 1926.

DECISION No. 16783.

IN THE MATTER OF THE APPLICATION OF J. R. MARTIN AND ADAM A. MOORE FOR PERMISSION TO TRANSFER OPERATIVE RIGHTS.

Application No. 11706.

Decided May 28, 1926.

CERTIFICATE—TO TRANSFER—ABANDONMENT.—Finding that applicant had wilfully abandoned a portion of the route covered by his certificate, which it is proposed to transfer, the Commission finds that such abandonment represented grounds for forfeiture of the certificate, and declines to authorize its transfer.

Charles Kasch, for Applicant.

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Crawford and Crawford, and *Chas. A. Beck*, for Charles Kuppinger, Protestant.

BY THE COMMISSION.

OPINION.

In this proceeding J. R. Martin has applied to the Railroad Commission for permission to sell, and Adam A. Moore has applied for permission to purchase, the operative rights granted to J. R. Martin by Decision No. 6175, dated March 4, 1919, in Application No. 3614, authorizing the operation of an automotive passenger and freight service between Lakeport and Upper Lake and Ukiah and a passenger service between Lakeport and Ukiah for such travel only as may originate at points between Lakeport and Laurel Dell. Under the terms of a contract executed by the parties, subject to the Commission's approval, Moore has agreed to pay Martin in consideration of the transfer of such operative rights the sum of $500, and an additional sum of $1,000, as the purchase price of Martin's 1-ton Ford truck, making a total consideration of $1,500.

After the filing of the application an informal objection to the transfer was filed by Charles Kuppinger, a certificated freight truck operator between Lakeport and Hopland, upon ground that Martin had abandoned that portion of his operative right covering the route between Lakeport and Upper Lake. A formal answer and a supplemental answer to this objection were filed by applicant Martin, alleging there had been a temporary discontinuance of the Upper Lake route, due to the fact that one W. O. Ruddick had been hauling cream under contract for certain shippers from Upper Lake to Ukiah, thereby rendering applicant's operations in this territory unprofitable, but that such discontinuance was not permanent in character. It is conceded that Martin has conducted a regular service over the remainder of his route.

A public hearing was held before Examiner Austin at Lakeport on February 17, 1926, when evidence was offered, the matter was submitted and it is now ready for decision.

Applicant Martin testified he had continuously conducted a freight service between Lakeport and Upper Lake, operating twice a week, under a time schedule so providing, until August, 1924, when Ruddick commenced hauling milk and cream from Upper Lake to Ukiah under contract with certain shippers. Because of this competition, further operations over this part of the route became unprofitable. It was then agreed that Ruddick should serve this territory until other arrangements could be perfected, but Martin, so he testified, has since been unable to meet this situation. He denied that he had discontinued this service entirely, stating he had hauled certain commodities, such as fruit, poultry and eggs, whenever requested by shippers, but he admitted that for a year following August, 1924, no regular service

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to Upper Lake was maintained, trips being made intermittently on call. Since September, 1925, applicant Moore has been operating the service regularly between Lakeport and Upper Lake, acting as an employee of Martin in so doing.

Applicant Moore testified that since September, 1925, he has been employed by Martin, operating regularly to Upper Lake under a biweekly schedule and handling all traffic offered. On direct examination he stated he had no knowledge of the discontinuance of the Upper Lake service, but on redirect examination, admitted he knew that for a time Martin was not running regularly to Upper Lake, there being a period of about a year prior to September, 1925, when Martin operated about twice a month on call. Testimony was introduced by applicants relative to the substantial volume of traffic originating at Upper Lake and Scotts Valley, indicating a demand for the service. Witnesses were called by applicants to describe Martin's operations, but their testimony in this regard is indefinite and uncertain. George N. Bushnell, a hardware merchant of Upper Lake, stated he had observed Martin in Upper Lake hauling cream, chickens and eggs, but could not recall how frequently he was there. E. R. Keil, manager of the resort at Saratoga Springs, testified that Martin might have served this resort, but he had never seen him there. H. W. Kemp, conducting a resort at Blue Lakes, testified he had observed Martin's trucks operating from Lakeport via Scotts Valley as frequently as two or three times a week and sometimes daily. However, he observed no such operations from Upper Lake. Elmer Sanborn of Upper Lake testified that during the past two years he could not recall having seen Martin operating any trucks, but he had observed Moore regularly. L. A. Mann, a farmer living near Tule Lake between Upper Lake and Saratoga Springs, stated that in the past two years he had seen Martin on the Upper Lake route several times, but had not patronized him while Ruddick was hauling cream. Furthermore, he stated, Martin would not serve him in any event, since his farm was one mile from the highway. M. M. Foster, a ranch foreman near Upper Lake, testified he had seen Martin hauling, but could not say how frequently. His ranch is situated about three miles from Upper Lake on the main Ukiah highway.

The granting of this application was protested by Charles Kuppinger Company, a freight truck operator between Lakeport and Hopland.

On behalf of protestant, W. O. Ruddick testified that since April, 1924, he had been operating trucks between Upper Lake and Ukiah, hauling milk, and that during this time he had not observed Martin operating any trucks over the Upper Lake-Ukiah highway from its junction with the Scotts Valley road. He admitted, on cross-examina-

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tion, that Martin might posssibly have conducted such operations, but not within his observation.

In this case we have the admission of both applicants that there has been a virtual abandonment of service between Lakeport and Upper Lake for a period of one year subsequent to August, 1924, when Martin ran only occasionally and at the special request of shippers. Furthermore the testimony of applicants' witnesses falls far short of proving any regularity of service over this route. In our judgment the evidence shows that Martin deliberately abandoned the operation of a substantial part of his route without first obtaining the consent of the Commission.

An operative right is to be regarded as a distinct entity and as such is indivisible. In granting a certificate the Commission acts upon evidence showing the necessity for service to be conducted over the entire route, as distinguished from its constituent parts; consequently, the obligation rests upon an operator to give continuous and adequate service over the whole route embraced within his certificate until he has been authorized by the Commission to discontinue service over such route or a part of it.

In re California Transit Co., Decision No. 10073, 21 R. R. C. 211, 215;
In re Schmidt & Emich, Decision No. 11151, 22 R. R. C. 443;
In re Schmidt & Emich, Decision No. 15168, 26 R. R. C. 794.

We have repeatedly held that where an operator wilfully and without our consent abandons the operation of an automobile stage or truck service, his rights are subject to forfeiture and his certificate may be revoked.

In re De Luxe Transportation Co., Decision No. 6933, 17 R. R. C. 565;
Nelson et al., vs. *Haley et al.,* Decision No. 10098, 21 R. R. C. 226;
In re M. Haydis, Decision No. 11555, 22 R. R. C. 944;
In re Monzie, Decision No. 11103, 22 R. R. C. 412.

Since a certificate is indivisible the same penalty may be imposed for the unauthorized abandonment of a substantial part of an operative right.

In re California Transit Co., Decision No. 10073, 21 R. R. C. 211, 215.

In view of what we have said applicant Martin's operative rights are subject to forfeiture and revocation, because of his abandonment of service between Lakeport and Upper Lake. These rights are by no means restored by the subsequent resumption of operations in this

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territory by applicant Moore. When the abandonment occurred, Martin's rights became immediately subject to forfeiture, and are not revived by the mere resumption of service.

Pickwick Stages vs. *Craig,* Decision No. 7828, 18 R. R. C. 516, 522.

While we can not declare a forfeiture of Martin's operative rights in this proceeding, this application having been filed for an entirely different purpose, nevertheless, we believe we should not be placed in the position of having tacitly approved applicant's actions by granting our consent to the proposed transfer. Under similar circumstances the Commission has previously declined to approve transfers of operative rights.

In re California National Bank of Modesto, Decision No. 8858, 19 R. R. C. 702;

In re De Luxe Transportation Co., Decision No. 6933, 17 R. R. C. 565;

In re California Transit Co., Decision No. 10073, 21 R. R. C. 211.

The matter of revoking applicant's rights can be disposed of either upon a complaint filed for that purpose or upon a proceeding initiated by the Commission on its own motion.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that applicant J. R. Martin has wilfully and without the consent of this Commission abandoned the operation of that portion of the operative right heretofore granted him by Decision No. 6175, dated March 4, 1919, in Application No. 3614, covering the route between Lakeport and Upper Lake. In view of such finding the application must be denied.

An order will be entered denying the application.

ORDER.

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact and on the statements which appear in the opinion preceding this order;

It is hereby ordered, that the application of J. R. Martin to transfer to Adam A. Moore, and of Adam A. Moore to acquire and thereafter operate all of the rights and privileges granted to J. R. Martin by this Commission's Decision No. 6175, dated March 4, 1919, in Application No. 3614, be and the same is hereby denied.

Dated at San Francisco, California, this twenty-eighth day of May, 1926.

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DECISION No. 16784.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AGENT, ON BEHALF OF TOLSON TRANSPORTATION SYSTEM, INC., FOR AUTHORITY TO ESTABLISH CLASS RATES AND ADOPT MONROE'S "SHIP BY TRUCK" FREIGHT CLASSIFICATION TO GOVERN THE TRANSPORTATION OF PROPERTY BY AUTO TRUCK BETWEEN LOS ANGELES, EL MONTE AND INTERMEDIATE POINTS.

Application No. 12585.

Decided May 28, 1926.

RATES—AUTO TRUCKS—TO ADJUST.—Application granted.

H. B. Cooke and *Lewis A. Monroe*, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by Lewis A. Monroe, agent, on behalf of the Tolson Transportation System, Inc., seeking authority to publish and maintain a scale of class rates—first, second, third and fourth—and to adopt Monroe's "Ship by Truck" freight classification to govern the transportation of property by auto truck between Los Angeles, El Monte and intermediate points.

A public hearing was held before Examiner Geary at Los Angeles May 20, 1926, and the application having been duly submitted is now ready for our opinion and order.

Applicant, for a number of years, has been engaged as a common carrier of freight between points in southern California under tariffs lawfully on file with this Commission. In addition to serving the territory here under consideration, applicant also operates an auto truck freight service between Los Angeles on the one hand and on the other San Pedro, Wilmington, Long Beach, Huntington Beach, Wintersburg, Gardena, McKinley Home, Torrance, Harper City and intermediate points. Between these points class rates are now in effect and are governed by Monroe's "Ship by Truck" classsification.

The operative right between Los Angeles and El Monte was purchased from W. H. Cullen December 31, 1925, by authority of this Commission under Application No. 12334, Decision No. 15823. The tariff in effect at that time, which was adopted by applicant and is now in effect, provides a flat rate of 15 cents per 100 pounds applying to "all merchandise." This single designation, it is claimed, is inadequate and insufficient to fulfill the requirements of the present operations, causing more or less complaint from the shipping public and compelling the carrier to haul all commodities at a common rate regardless of their transportation characteristics.

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The class rates applicant proposes will result in both increases and reductions. For freight moving in lots of less than 3½ tons the rates will range from 25 cents first class to 15 cents fourth class; in lots of 3½ tons to 6 tons from 20 cents first class to 12½ cents fourth class, and in lots of over 6 tons from 17½ cents first class to 10 cents fourth class. The record indicates that of the entire tonnage handled by applicant approximately 75 per cent is tendered in lots of over 3½ tons, and under the proposed schedule would move under the fourth class rate of 10 cents or 12½ cents, as the case may be. Hence, on the major portion of the tonnage the proposed adjustment would result in reductions of 2½ cents to 5 cents per 100 pounds.

Applicant contends that the proposed adjustment is not for the purpose of increasing its operating revenue. An exhibit giving an analysis of the traffic submitted for a representative period, showing the results that would have obtained had the proposed rates been in effect, indicates that during this test period the total operating revenue would have been decreased.

Upon consideration of all the facts of record, we are of the opinion and find that applicant should be authorized to establish and maintain the proposed adjustments and that the application should be granted.

ORDER.

This application having been duly submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order;

It is hereby ordered, that applicant, Tolson Transportation System, Inc., be and it is hereby authorized to adopt Monroe's "Ship by Truck" freight classification and to publish upon not less than ten days' notice to the Commission and to the public, in tariffs constructed in accordance with the rules of the Commission, the rates, rules and regulations set forth in Exhibit "A" of the application.

Dated at San Francisco, California, this twenty-eighth day of May, 1926.

DECISION No. 16785.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR LOS ANGELES AND OXNARD DAILY EXPRESS, FOR AUTHORITY TO READJUST CLASS RATES BETWEEN LOS ANGELES AND SANTA SUSANA, SIMI, MOORE PARK, SOMIS, CAMARILLO, EL RIO AND OXNARD.

Application No. 12702.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR LOS ANGELES AND SANTA BARBARA MOTOR EXPRESS COMPANY, INCORPORATED, FOR AUTHORITY TO READ-

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JUST CLASS RATES BETWEEN LOS ANGELES AND FILLMORE, SANTA PAULA, SATICOY AND VENTURA.

Application No. 12703.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR TUCKER'S TRUCK AND TRANSPORTATION COMPANY, FOR AUTHORITY TO READJUST CLASS RATES BETWEEN LOS ANGELES AND SANTA PAULA AND SATICOY.

Application No. 12705.

Decided May 28, 1926.

RATES—AUTO TRUCKS—TO ADJUST.—Application granted.

Philip Jacobson and *Lewis A. Monroe*, for Applicants.

BY THE COMMISSION.

OPINION.

These are applications filed by Lewis A. Monroe, as agent for the Los Angeles and Oxnard Daily Express; Los Angeles and Santa Barbara Motor Express Company, Inc., and Tucker's Truck and Transportation Company, hereinafter referred to as the Oxnard Express, Santa Barbara Express, and Tucker's Truck Line respectively, seeking authority to readjust their scale of class rates—first, second, third and fourth—applicable to the transportation of property by motor truck between Los Angeles on the one hand and on the other points west thereof, as more specifically hereinafter described.

The issues involved being similar and the evidence submitted having been, by stipulation, made a part of the record in each proceeding, these applications may be disposed of in one report.

Public hearings were held before Examiner Geary at Los Angeles, May 20, 1926, and the applications having been duly submitted are now ready for our opinion and order.

The Oxnard Express operates between Los Angeles, Santa Susana, Simi, Moore Park, Somis, Camarillo, El Rio and Oxnard; the Santa Barbara Express between Los Angeles and Fillmore, Santa Paula, Saticoy and Ventura; and Tucker's Truck Line between Los Angeles and Santa Paula and Saticoy. These points are all in close proximity in the same general territory and it is proposed to place them on a rate parity by establishing a uniform scale of class rates of 60 cents first class, 50 cents second class, 40 cents third class and 30 cents fourth class. There is no exact uniformity at the present time in the volume of the rates via the three lines, with the result that at competitive points the charges are on a slightly different basis. For example, between Los Angeles and Saticoy the rates via the Santa Barbara Express are 62½ cents first class, 47 cents second class, 39½ cents third class and 31½ cents fourth class, while via Tucker's Truck

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Line the first class rate is 60 cents, second class 47 cents, third class 40 cents and fourth class 30 cents. This lack of uniformity has been the object of complaint from the shipping public and has likewise created an unsatisfactory rate adjustment for the carriers.

The rates proposed will result in both increases and reductions. Under the proposed adjustment the second class rate of the Oxnard Express will be increased 5 cents, and no change will be made in the first, third and fourth classes. On the Santa Barbara Express the first and fourth class rates will be reduced 2½ and 1½ cents respectively, and the second and third class rates will be increased 3 cents and ½ cent respectively. Via the Tucker Truck Line the only change made will be in increasing the second class rate 3 cents.

The record indicates that the major portion of the tonnage handled moves under fourth class rates, which via the Oxnard Express and Tucker's Truck Line will not be changed and via the Santa Barbara Express will be reduced 1½ cents.

Exhibits submitted covering traffic checks for the month of February indicate that the operating revenue under the proposed adjustment will not be materially affected, the Oxnard Express and Tucker's Truck Line showing small increases and the Los Angeles and Santa Barbara Express slight reductions.

There was no opposition to the granting of the applications.

Upon consideration of all the facts of record we are of the opinion and find that the applicants should be authorized to readjust their class rates as set forth in the applications and that the applications should be granted.

ORDER.

These applications having been duly submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order, which said opinion is made a part hereof;

It is hereby ordered, that the Los Angeles and Oxnard Daily Express; Los Angeles and Santa Barbara Motor Express Company, Inc., and Tucker's Truck and Transportation Company be and they are hereby authorized to publish upon not less than ten days' notice to the Commission and to the public, in tariffs constructed in accordance with the rules of the Commission, the class rates as set forth in the applications.

Dated at San Francisco, California, this twenty-eighth day of May, 1926.

DECISION No. 16787.

IN THE MATTER OF THE APPLICATION OF SACRAMENTO GAS COMPANY, A CORPORATION, AND PACIFIC GAS AND ELECTRIC COM-

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PANY, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FORMER TO SELL AND CONVEY AND THE LATTER TO PURCHASE AND ACQUIRE THE PROPERTIES REFERRED TO IN THIS PETITION.

Application No. 12783.

Decided May 28, 1926.

TRANSFER—GAS UTILITY—SERVICE—TO ABANDON.—Sacramento Gas Company authorized to transfer its properties to Pacific Gas and Electric Company, and to cease public utility service, the same to be continued by the purchaser.

C. P. Cutten, for Sacramento Gas Company.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order:

1. Authorizing Sacramento Gas Company to grant, sell, assign and transfer unto Pacific Gas and Electric Company, and authorizing Pacific Gas and Electric Company to purchase and acquire from Sacramento Gas Company, all of the properties which the former has agreed to sell and convey to the latter under and in accordance with the provisions of the agreement of sale dated April 12, 1926; and

2. Authorizing Sacramento Gas Company to cease furnishing and supplying gas service in the territory in which it now furnishes said gas service.

Sacramento Gas Company was organized on or about December 4, 1895, with an authorized capital stock of $500,000 divided into 10,000 shares of the par value of $50 each, all common. At present 8582 shares of the aggregate par value of $429,100 are outstanding.

By Decision No. 16020 dated February 20, 1926, in Application No. 12343 the Commission authorized the Pacific Gas and Electric Company to acquire the outstanding stock of Sacramento Gas Company. It is of record that the Pacific Gas and Electric Company now owns 8305.6 shares (par value $50 per share) of the par value of $415,280 of the outstanding stock of Sacramento Gas Company. The stock owned by Pacific Gas and Electric Company represents about 96.8 per cent of the outstanding stock of Sacramento Gas Company. The Pacific Gas and Electric Company is willing to acquire all the outstanding stock of Sacramento Gas Company at a cost of $50 per share.

Applicants have, subject to the approval and authorization of the Railroad Commission, entered into an agreement (Exhibit "B") for the transfer of the properties of Sacramento Gas Company to Pacific Gas and Electric Company. The agreement reads in part as follows:

"The vendor (Sacramento Gas Company) for and in consideration of the promises and covenants of the purchaser (Pacific Gas and Electric Company) hereinafter contained, does hereby promise and covenant to and with the purchaser

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to grant, sell, assign and transfer unto the purchaser, subject, however, to all liens and incumbrances thereon, and the purchaser, for and in consideration of the promises and covenants of the vendor herein contained, does hereby promise and agree to and with the vendor, to purchase from the vendor, for the purchase price hereinafter specified, all and singular the properties of every kind and character, whether real or personal, tangible or intangible, and wheresoever situate, owned, held or claimed by the vendor, for the purchase price of four hundred and twenty-nine thousand one hundred dollars ($429,100) in lawful money of the United States of America, payable on or before the 1st day of October, 1940, with interest thereon at the rate of five (5) per cent per annum, payable annually, from the date of the delivery of the deed hereinafter provided for.

The parties hereto will, within thirty (30) days after the date hereof, make joint application to said Railroad Commission for an order authorizing the vendor to sell and the purchaser to acquire all of the properties of the vendor for the purchase price hereinbefore specified; and, upon such order being made, the vendor will execute, acknowledge and deliver to the purchaser, a good and sufficient deed of grant, bargain and sale conveying to the purchaser all of said properties, subject to all liens and incumbrances thereon, and the purchaser will expressly covenant in writing to pay the aforesaid purchase price as hereinbefore provided."

The amount which Pacific Gas and Electric Company agrees to pay for the properties, subject to all liens and incumbrances, is the amount which it has obligated itself to pay for the stock of the Sacramento Gas Company.

For a description of the assets of Sacramento Gas Company, and advantages and benefits that should accrue as a result of the consolidation of the properties of that company with those of Pacific Gas and Electric Company, reference is here made to Decision No. 16020.

ORDER.

Sacramento Gas Company having applied to the Railroad Commission for an order authorizing it to transfer its properties and to discontinue service, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted as herein provided;

It is hereby ordered, that Sacramento Gas Company be and it is hereby authorized to grant, sell, assign and transfer to Pacific Gas and Electric Company, for the sum of $429,100 payable on or before October 1, 1940, with interest at the rate of 5 per cent per annum from the date of the delivery of the deed, all of its properties, and Pacific Gas and Electric Company be and it is hereby authorized to purchase and acquire such properties, said transfer of properties to be in accordance with the terms and conditions of the agreement of sale dated April 12, 1926, a copy of which is filed in this proceeding as Exhibit "B," which agreement of sale Sacramento Gas Company and Pacific Gas and Electric Company are hereby authorized to execute.

The authority herein granted to transfer properties is subject to the following conditions:

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1. The price at which the properties of Sacramento Gas Company are transferred to Pacific Gas and Electric Company shall not be binding on this Commission or other court or public body as representing the value of said properties for rate making, or any purpose other than the transfer herein authorized.

2. Within thirty days after the execution of the deed conveying the properties of Sacramento Gas Company to Pacific Gas and Electric Company, Pacific Gas and Electric Company shall file a certified copy thereof with the Railroad Commission.

3. Sacramento Gas Company shall file with the Railroad Commission, as soon as posssible after transferring its properties, a financial statement showing its operations from January 1, 1926, to the date of the transfer of its properties, such statement to be prepared and submitted on the blank forms prescribed and furnished by the Commission.

4. The authority herein granted shall become effective when Pacific Gas and Electric Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $430.

It is hereby further ordered, that Sacramento Gas Company be and it is hereby authorized, upon transferring its properties to Pacific Gas and Electric Company, to cease furnishing and supplying gas service in the territory in which it now operates.

Dated at San Francisco, California, this twenty-eighth day of May, 1926.

DECISION No. 16790.

IN THE MATTER OF THE PETITION OF MODESTO REFRIGERATING COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO ISSUE STOCK.

Application No. 12876.

Decided May 28, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

BY THE COMMISSION.

ORDER.

Modesto Refrigerating Company in this application asks permission to issue not exceeding $100,000 of stock to acquire real property and pay in part the cost of constructing a refrigerating and cold storage plant at Modesto. In its petition applicant recites that it is its intention to create a bonded indebtedness and to file at a later date an application with the Commission for permission to issue and sell bonds to pay in part the cost of constructing its plant.

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Applicant has requested that the Commission, by an *ex parte* order, authorize it to issue five shares of stock to qualify its directors, so that steps may forthwith be taken to create a bonded indebtedness. While we believe that applicant's request in this respect should be granted, it should be understood that the granting of such request in no way obligates the Commission to grant either this application (except as to the five shares) or the application for permission to issue bonds which the company intends to file at a later date. It occurs to us that inasmuch as the acquisition and construction of applicant's properties, plant and facilities is to be financed through the issue of stock and bonds, a hearing on this application (except as to the five shares) should be held after applicant has filed its application for permission to issue bonds.

The Commission is of the opinion that the money, property or labor to be procured or paid for by the issue of the five shares of stock herein authorized is reasonably required by applicant.

It is hereby ordered, that Modesto Refrigerating Company be and it is hereby authorized to issue and sell on or before August 1, 1926, for cash at not less than par, five shares ($500 par value) of its common stock and use the proceeds obtained from the sale of such stock to pay organization expenses.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-eighth day of May, 1926.

DECISION No. 16865.

ESSIE A. CALLAHAN

vs.

HAINES CANYON WATER COMPANY, A CORPORATION.

Case No. 2174.

Decided June 8, 1926.

SERVICE—WATER UTILITY—DEDICATION.—Holding that the property of defendant had been dedicated to the service of the territory in which complainant's property is located, the Commission ordered the utility to extend its mains to serve complainant.

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Bicksler, Smith and Parke, by *Dale H. Parke*, for Complainant.
Evans, Pearce and Campbell, by *William E. Evans*, for Defendant.

BY THE COMMISSION.

OPINION.

The plaintiff herein, after having been refused water service to her property by the defendant, a water utility doing business in and around Tujunga, California, brought this complaint alleging the above refusal of service and requesting that this Commission make an order directing the said defendant to render such service. The defendant in its answer set up the defense that the property of the plaintiff is not within the area to which water service has been dedicated by it.

Public hearings were held before Examiner Williams at Los Angeles.

The sole question to be determined is whether the plaintiff's property is located within the area to which the defendant has dedicated its properties for the rendering of its utility water service. The record, we find, is very clear on this point. The president of the defendant company, H. B. Lynch, testified that the company had dedicated to serve in the neighborhood of the district in which the plaintiff's property is situated; that to serve plaintiff's property would be simple, requiring only the installation of a tap line, there being a main service pipe running in the middle of the street fronting her property; that this main service pipe feeds at the present time thirteen consumers; that these same consumers are in the immediate vicinity of plaintiff's property, two being almost directly across the street and two immediately south thereof, one of the latter being immediately adjacent. All of these facts are substantiated by an exhibit furnished by the company and filed as Commission's Exhibit "E," showing in detail the service connection of the company. This exhibit further shows that within an approximate radius of 1000 feet of the plaintiff's property the company has fifty-four service connections. A ten-foot strip of property contiguous to plaintiff's property and at one time a portion of plaintiff's lot which was deeded by plaintiff to one Shaw is receiving water at the present time.

In addition other substantial evidence is found in this record showing in our opinion that the property of the plaintiff must be held to be within the area of dedication of this utility. Of particular importance is Commission's Exhibit "F," a map which was originally filed by this defendant in Case No. 1720 before this Commission, entitled "*O'Rourke* vs. *Haines Canyon Water Company.*" That case was similar to the present case, the complaint having alleged refusal of service by the company with the prayer for an order to compel the rendering of same and the answer having set up the defense of no dedication.

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This map was introduced by this defendant in that proceeding for the alleged purpose of showing that the O'Rourke property was not within its area of dedication. It purported to show in outline what the area of dedication was at that time. The property of the plaintiff herein was included within the area of dedication on that map and while an attempt was made in this proceeding to show that that inclusion was erroneous, we can not accept such an excuse, nor can a public utility be allowed to blow hot and cold with reference to prospective consumers whose lands lie within the general area within which it serves. From the record it further appears that to supply the plaintiff would not injuriously withdraw the water supply, wholly, or in part, from those who are presently being supplied by the defendant, and the president of the company admitted that there was an available and adequate water supply.

We are of the opinion that the lands of this plaintiff are within the area to which the defendant company has dedicated its service and that the latter should be directed to render the service as requested in the complaint. An order will be entered accordingly.

ORDER.

Public hearings having been held in the above entitled proceeding, the matter having been duly submitted, and the Commission being now fully advised:

We hereby find as a fact that the property of the plaintiff as to which service is herein prayed is located within the immediate district to which the defendant company has dedicated water service; that to supply plaintiff will require only a reasonable extension by the defendant company; that the plaintiff is entitled to receive water service from the defendant company, and that to supply the plaintiff with such service will not injuriously withdraw the supply wholly or in part from those who are now being served by the defendant; wherefore,

It is hereby ordered, that within thirty days from and after the date hereof, defendant Haines Canyon Water Company complete all necessary connections to render possible the rendering of the water service prayed for herein, and that it then proceed at once to render such service upon and under its regularly filed schedule of rates and its regularly filed rules and regulations.

Dated at San Francisco, California, this eighth day of June, 1926.

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DECISION No. 16869.

IN THE MATTER OF THE APPLICATION OF J. C. LOOMIS, INCORPORATED, A CORPORATION, FOR A PERMIT TO ISSUE STOCK.

Application No. 12885.

Decided June 9, 1926.

SECURITIES—STOCK—TO ISSUE.—Applicant authorized to issue $12,520 of capital stock in lieu of an equal amount issued without authority of the Commission.

Oliver P. Ensley, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order validating the issue by J. C. Loomis, Incorporated, of $12,520 of stock without an order from the Commission, or authorizing J. C. Loomis, Incorporated, to issue $12,520 of stock in lieu of the stock issued without such an order.

The record shows that J. C. Loomis, Incorporated, a corporation, was organized on or about August 15, 1925, primarily for the purpose of taking over and operating the business and properties of J. C. Loomis and is now engaged in the general mercantile business in Hemet, Riverside County, and in connection therewith, in the public utility warehouse business, conducting its warehouse operations under tariffs and schedules of rates regularly filed with the Commission.

The application shows that the properties include a lot, 2½ acres in area, located on West Florida avenue, Hemet, California, and a warehouse building constructed with a cement floor having an area of 5000 square feet, and with galvanized iron sides and roof and cement stucco front, and equipped with two alfalfa recleaning seed machines with necessary pits, elevators, tanks, etc., the building having a capacity of 750,000 pounds of alfalfa seed. The assets and liabilities of J. C. Loomis were transferred, it appears, as of September 20, 1925, as of which date they were reported as follows:

Assets.

Bills receivable	$2,991 54
Cash	758 46
Office equipment	175 00
Buick auto, 1923	400 00
Sacks, twine, etc., on hand	395 00
Seed	500 00
Funds expended to organize corporation	50 00
Land and building	6,735 00
Equipment	3,265 00
Total	$15,270 00

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Liabilities.

Note payable	$500 00	
Bills payable	2,500 00	
		$3,000 00
Net worth		12,270 00
Total		$15,270 00

The corporation has an authorized capital stock of $25,000 divided into 2500 shares of the par value of $10 each, all common. In order to acquire the business and properties it now operates it appears that it applied for and on October 2, 1925, received from the Commissioner of Corporations permission to issue $12,520 of stock, which stock, it is reported, was issued to and is held by the following persons:

J. C. Loomis	$10 00
W. E. Shelhart	10 00
Sara Loomis	12,500 00
Total	$12,520 00

It appears to us that the corporation should have applied to this Commission for permission to issue its stock for the reason that a portion of its operations are of a public utility nature. It clearly appears, however, that the corporation was unaware of the necessity of securing the approval of the Railroad Commission and that it issued its stock, without such approval, through inadvertence and with no intent to evade the provisions of any act. When this matter was brought to the company's attention it filed the present application.

We do not believe, however, that we can validate the issue of the stock made without an order from the Commission. In our opinion the stock issued without permission is void and the Commission can not ratify a transaction it believes void under the terms of the Public Utilities Act. The order herein, therefore, will authorize the issue and delivery of new shares of stock.

ORDER.

J. C. Loomis, Incorporated, having applied to the Railroad Commission for an order validating or authorizing the issue of stock and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary and that applicant should be authorized to issue $12,520 of stock and that the issue of such stock is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that J. C. Loomis, Incorporated, be and it is hereby authorized to issue 1252 shares of its capital stock of the aggre-

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gate par value of $12,520, in lieu of stock of like amount heretofore issued without an order from the Railroad Commission, for the purpose of financing in part the cost of acquiring the business and properties of J. C. Loomis to which reference is made in the preceding opinion.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file within thirty days thereafter a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this ninth day of June, 1926.

DECISION No. 16886.

IN THE MATTER OF THE APPLICATION OF FRED A. BRALEY AND E. T. GRUWELL FOR AN ORDER TO APPROVE AS A PUBLIC CONVENIENCE AND NECESSITY AND TO FIX REASONABLE RATES FOR USE OF WATER.

Application No. 12520.

Decided June 11, 1926.

CERTIFICATE—WATER UTILITY—RATES.—Certificate granted to Fred A. Braley and E. T. Gruwell to operate a water system in Tract No. 7747, under fictitious name of Oak Park Water Company. Rates established.

Fred A. Braley, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled application Fred A. Braley and E. T. Gruwell, copartners, request a certificate of public convenience and necessity to operate a public utility water system under the fictitious name and style of Oak Park Water Company for the supplying of water for domestic and other purposes to consumers located in Tract No. 7747, and certain territory adjacent thereto, near the city of Pasadena, in Los Angeles County. The Commission is also asked to establish a fair and reasonable rate for the service to be rendered.

A public hearing in this matter was held in Pasadena before Examiner Williams after all interested parties had been duly notified and given an opportunity to be be present and be heard.

The territory in which applicants desire to serve water was formerly a part of the Chapman ranch and was acquired by the Northup-Platt Syndicate, subdivided and sold in small lots and parcels to the general public. In order to supply water to lot purchasers the original plant used for irrigation purposes on the ranch was converted into a domestic water system. Applicants acquired this water system from the Northup-Platt Syndicate on March 23, 1924. The water supply

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is now obtained from a 7-inch cased well, 485 feet deep, from which water is pumped into a 10,000-gallon redwood storage tank located on a tower 25 feet above ground surface, and distributed by gravity through mains ranging from 4 to 6 inches in diameter. As all pipe lines were installed in the territory in which applicants desire to serve, prior to the acceptance of the tracts by the county and the dedication of the streets therein to the public, no franchise from the county authorities will be necessary.

Applicants claim the original cost of the system to be $12,148 as of April 20, 1926; that the operating and maintenance expenses for the year 1925 amounted to $2,910, and that the revenues for the same period were $1,919, exclusive of $164 in unpaid bills. The evidence shows that the above estimate of operating expenses included $960 for interest return at 8 per cent upon the capital investment, and also the item of $720 for depreciation taken at 6 per cent.

The present temporary rate now charged by applicants is $1.50 flat rate per month. Analysis of the evidence shows that after eliminating the improper capital and interest charges set up in the operating expenses and reducing the excessive depreciation allowance, applicants are realizing a small return upon the investment. However, as the territory now served is not yet adequately developed, a full return can not reasonably be expected at this time. The rate schedule established herein is designed to more equitably distribute the charges in accordance with the present conditions and the classes of service required, and will also provide rates for metered service which should be extended throughout the entire system as soon as conditions so warrant. The rate schedule set out herein for all practical purposes is similar to those schedules in effect on other small water utilities operating in the vicinity.

ORDER.

Fred A. Braley and E. T. Gruwell having made application as entitled above for a certificate of public convenience and necessity to operate a public utility water system as a copartnership under the fictitious name and style of Oak Park Water Company, and for the establishment of rates, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed in the premises:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Fred A. Braley and E. T. Gruwell operate a water system for the supplying of water for domestic and other purposes to consumers within that district known as Tract No. 7747, Los Angeles County, and that territory described as being bounded on the east by East Pasadena avenue, on the south by Blanche street, on the west by Backus avenue, and on

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the north by a line parallel with Blanche street and being distant north from the north side of said Blanche street eight hundred and forty feet, in the county of Los Angeles.

It is hereby ordered, that Fred A. Braley and E. T. Gruwell be and they are hereby directed to file with the Commission on or before twenty days from the date of this order the following schedule of rates to become effective for all water delivered to consumers subsequent to June 15, 1926:

Meter Rates.

Monthly Minimum Meter Charges:

⅝-inch meter	$1 50
¾-inch meter	2 00
1 -inch meter	3 00
1½-inch meter	5 00
2 -inch meter	8 00
3 -inch meter	15 00

Each of the foregoing "monthly minimum meter charges" will entitle the consumer to the quantity of water which that minimum will purchase at the "monthly meter quantity rates" set out as follows:

Monthly Meter Quantity Rates:

From 0 to 600 cubic feet, per 100 cubic feet	$0 25
From 600 to 3000 cubic feet, per 100 cubic feet	20
From 3000 to 5000 cubic feet, per 100 cubic feet	15
From 5000 to 25000 cubic feet, per 100 cubic feet	10
All over 25000 cubic feet, per 100 cubic feet	07

Monthly Flat Rate Schedule.

Residences of not over five rooms, including bath and toilet, occupied by single family	$1 50
For each additional room	10
Sprinkling or irrigation of lawns, shrubbery or gardens, per square yard of surface actually irrigated	005

It is hereby further ordered, that Fred A. Braley and E. T. Gruwell be and the same are hereby directed to file with this Commission within twenty days from the date of this order rules and regulations to govern relations with consumers, said rules and regulations to become effective upon their acceptance by this Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16887.

IN THE MATTER OF THE APPLICATION OF YUMA LIGHT, GAS AND WATER COMPANY, E. J. CONDON AND DAVID O. TRUE, AND IMPERIAL VALLEY ELECTRIC POWER COMPANY FOR AUTHORIZATION TO SELL AND BUY CERTAIN ELECTRICAL PROPERTY.

Application No. 12634.

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Decided June 11, 1926.

TRANSFER—ELECTRIC UTILITY—TO SELL.—Application granted.

E. J. Condon, for Imperial Valley Electric Power Company.
R. M. Moore, for Yuma Light, Gas and Water Company.
Henry W. Coil, for The Southern Sierras Power Company.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Yuma Light, Gas and Water Company to sell certain electrical properties, hereinafter described, to E. J. Condon and David O. True, who in turn ask permission to sell such properties to the Imperial Valley Electric Power Company, and to authorize said Imperial Valley Electric Power Company to acquire and operate said electrical properties and issue in payment therefor $2,000 of its common stock.

The Yuma Light, Gas and Power Company was formerly engaged in the operation of divers public utilities in the state of Arizona and in the operation of an electrical distributing system located in the townsite of Winterhaven, and vicinity, in Imperial County, California. The tangible properties located in California consist of a franchise, poles and fixtures, wire, insulators, electric services, transformers, meters, etc. The estimated cost to reproduce the properties as of July 31, 1925, is reported at $7,273. The reproduction cost less accrued depreciation is reported at $6,810. Inasmuch as the Imperial Valley Electric Power Company asks permission to issue only $2,000 of common stock in full and complete payment for the properties, it does not seem necessary for the Commission to make a definite finding as to the value of the properties.

E. J. Condon and David O. True have caused to be organized the Imperial Valley Electric Power Company which intends to acquire and operate the electrical distributing system owned by the Yuma Light, Gas and Water Company and located in California. Henry W. Coil, appearing for The Southern Sierras Power Company, called the attention of the Commission to the fact that The Southern Sierras Power Company was willing to take over and operate the electrical distributing system referred to in this application. It is to be noted, however, that the present owners of the properties are not asking permission to sell the same to The Southern Sierras Power Company; neither is there anything of a convincing nature in the record to show that a sale of the properties to The Southern Sierras Power Company will be any particular advantage to the consumers. It is proposed to sell the properties to a California corporation which, according to the record, will operate the properties in substantially the same manner as they have heretofore been operated, and continue in effect

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the present service. The testimony also shows that the Imperial Valley Electric Power Company will confine its operations to the territory within which Yuma Light, Gas and Water Company has been permitted to operate and that it will keep its records in accordance with the requirements of the Railroad Commission.

ORDER.

Yuma Light, Gas and Water Company, E. J. Condon and David O. True having applied for permission to transfer an electrical distributing system, and Imperial Valley Electric Power Company having asked permission to acquire such system and issue in payment therefor $2,000 of its common capital stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the transfer of the properties is in the public interest and that the money, property or labor to be procured or paid for through the issue of the $2,000 of stock is reasonably required by Imperial Valley Electric Power Company and that this application should be granted, as herein provided; therefore,

It is hereby ordered, that Yuma Light, Gas and Water Company be and it is hereby authorized to sell and transfer to E. J. Condon and David O. True the franchise and electrical distributing system referred to in this application, and that said E. J. Condon and David O. True be and they are hereby authorized to transfer said franchise and electrical distributing system to Imperial Valley Electric Power Company.

It is hereby further ordered, that Imperial Valley Electric Power Company be and it is hereby authorized to acquire and operate said franchise and electrical distributing system and to issue on or before October 1, 1926, in full payment therefor $2,000 of its common capital stock.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that Imperial Valley Electric Power Company shall file with the Commission a report, as required by the Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the Imperial Valley Electric Power Company shall file with the Commission, within thirty days after it acquires title to said properties, a certified copy of the deed or other instrument under which it acquires and holds title to said properties.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16889.

IN THE MATTER OF THE APPLICATION OF CHANNEL LIGHTERAGE COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING ISSUE OF STOCK.

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Application No. 12738.
Decided June 11, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted so far as it relates to issuance of $8,500 of stock, and denied in relation to remaining $1,500 of stock requested.

J. J. Lerman, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Channel Lighterage Company, a corporation, to issue and deliver to George V. Freethy 997 shares of its capital stock, of the aggregate par value of $9,970, in consideration and exchange for the personal property and equipment of George V. Freethy, described in the application, and authorizing it to issue and sell for cash such of the stock herein applied for as shall not be authorized to be issued in exchange for said property and equipment.

It appears that George V. Freethy for a number of years past has been engaged in operating vessels for the transportation of persons and property, for compensation, on the bay of San Francisco and its tributaries, and, in connection therewith, rendering general towing and other services, and that on or about November 23, 1925, he caused the organization of Channel Lighterage Company, a corporation, applicant herein, for the purpose of acquiring and thereafter operating his properties and business.

The corporation has an authorized capital stock of $10,000 divided into 1000 shares of the par value of $10 each, all common, of which three shares, held by its incorporators and directors, are outstanding. By Decision No. 16215, dated March 17, 1926, the corporation was granted a certificate of public convenience and necessity to operate vessels for the transportation of property, for compensation, on the inland waters of the State of California, on the bay of San Francisco and its tributaries, between the points and under the rates, rules and regulations specifically set forth in tariffs theretofore issued by and in the name of George V. Freethy and on file with the Commission.

The properties to be transferred are described in some detail in Exhibit "C" attached to the application, and include one towboat, two barges and equipment consisting of tarpaulins, hand-trucks, towlines, etc., all of an estimated value of $10,005. The record herein shows that George V. Freethy is willing to accept $9,970 of stock in full payment for his properties and that the properties will be transferred free and clear of all liens and indebtedness. We have considered the request of applicant and believe that it should be permitted to issue

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not exceeding $8,500 of stock to acquire the properties described in this application.

ORDER.

Channel Lighterage Company, having applied to the Railroad Commission for permission to issue $10,000 of stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the applicant should be permitted to issue $8,500 of stock and that the issue of such amount of stock is reasonably required by applicant for the purpose specified herein,

It is hereby ordered, that Channel Lighterage Company be and it is hereby authorized to issue, on or before August 31, 1926, 850 shares of its capital stock of the aggregate par value of $8,500, in full payment for the property and equipment, free and clear of all indebtedness, of George V. Freethy, described in Exhibit "C" filed in this proceeding and referred to in the foregoing opinion.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file, within thirty days after such issue, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that this application in so far as it involves the issue of $1,500 of stock be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16890.

IN THE MATTER OF THE APPLICATION OF G. W. GOTTWALS, OPERATING A PUBLIC WAREHOUSE AT TUDOR FOR PERMISSION TO INCREASE SEASON STORAGE RATES ON GRAIN AND BEANS TO ONE DOLLAR AND TWENTY-FIVE CENTS PER TON PER SEASON, AND TO ESTABLISH RULES AND REGULATIONS.

Application No. 12750.

Decided June 11, 1926.

RATES—WAREHOUSE—STORAGE AND HANDLING—GRAIN AND BEANS.—Rate of $1.25 a ton per season for storage and handling of grain and beans, authorized.

L. A. Bailey, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by G. W. Gottwals, an individual, operating a public warehouse at Tudor, Sutter County, California, seeking permission to establish and maintain for the storage, receiving, weigh-

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ing, piling, unpiling and carloading of grain and beans, in sacks, a season storage rate of $1.25 per ton of 2000 pounds. Permission is also requested to establish the rules and regulations shown in Exhibit "A" of the application to govern the storage and handling service rendered.

A public hearing was held before Examiner Geary at Marysville May 24, 1926, and the application having been duly submitted is now ready for our opinion and order.

Applicant has been engaged as a public warehouseman at Tudor for the past thirteen years. The present warehouse has a storage capacity of 4000 tons and represents a capital investment including spur tracks, scales, elevators and other facilities, of approximately $25,000. The principal commodities stored are grain and beans, these two commodities including about 78 per cent of the total tonnage handled in 1923; 94 per cent in 1924, and 100 per cent in 1925.

The season rate now in effect for the storage of grain and beans is $1 per ton of 2000 pounds, which rate includes the incidental service, such as receiving, weighing, piling, unpiling and car loading. Applicant contends that this rate, established in 1918, is inadequate and insufficient under present conditions to defray operating expenses and net a reasonable return on the moneys invested.

During the year 1925 the operating revenue received was $4,504.46 and the operating expenses, excluding interest on the capital investment, were $5,899.45, resulting in an operating loss of $1,394.99. In 1923 the operating results showed a net gain of $432.34, a return of less than 2 per cent on the capital investment, and during 1924 applicant suffered an operating loss of $22.27.

Applicant's Exhibit "A" shows that the season rates on grain and beans maintained by approximately sixty warehouses in the Sacramento Valley, rendering the same incidental services, with a few exceptions range from $1.25 per ton to $1.86 per ton on grain and from $1.25 per ton to $2 per ton on beans.

The rules and regulations proposed are practically those maintained by the major warehouses in this territory and are primarily for the purpose of clearly setting forth the privileges and conditions under which the handling and storing of these commodities will be performed.

Upon consideration of all the facts of record we are of the opinion and find that applicant should be permitted to increase the rate now published for the storage and handling of grain and beans, in sacks, from $1 per ton of 2000 pounds per season, to $1.25 per ton of 2000 pounds per season and to establish and maintain the rules and regulations shown in Exhibit "A" of the application.

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ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that applicant, G. W. Gottwals, an individual, be and he is hereby authorized to establish by proper tariff publication, and to thereafter maintain at warehouse located at Tudor, California, for the storage, receiving, weighing, piling, unpiling and carloading of grain and beans a rate of $1.25 per ton of 2000 pounds per season, ending May 31st of each year, and to concurrently publish and maintain the rules and regulations set forth in Exhibit "A" attached to and made part of the application.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16891.

IN THE MATTER OF THE APPLICATION OF E. H. PEAKE, OPERATING THE COUNTY LINE WAREHOUSE AT HERSHEY, YOLO COUNTY, CALIFORNIA, FOR PERMISSION TO INCREASE WAREHOUSE RATES ON GRAIN, RICE AND RAISINS AND TO ESTABLISH RULES AND REGULATIONS.

Application No. 12751.

Decided June 11, 1926.

RATES—WAREHOUSE—GRAIN AND RICE—STORAGE AND HANDLING.—Rate of $1.25 a ton per season for storage and handling of grain and rice, and $1.75 a ton for raisins, authorized.

L. A. Bailey, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by E. H. Peake, an individual, operating the County Line Warehouse at Hershey, Yolo County, California, for authority to increase the season rate maintained for the storage, receiving, weighing, piling, unpiling and delivery or carloading of grain and rice from $1 per ton of 2000 pounds to $1.25 per ton of 2000 pounds and of raisins from $1.50 per ton of 2000 pounds to $1.75 per ton of 2000 pounds. Permission is also requested to establish various rules and regulations to govern the storage and handling of these commodities as shown in Exhibit "A" of the application.

A public hearing was held before Examiner Geary at Marysville, May 24, 1926, and the application having been duly submitted is now ready for our opinion and order.

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The warehouse at Hershey is operated under a lease arrangement whereby the owners of the property are compensated 25 cents per ton per season for all commodities stored. The amount received by the owners is insufficient to cover depreciation, taxes, repairs and net a reasonable return on the capital invested in the warehouse and the other facilities devoted to the public service. Applicant has been notified that in the future the season rental will be increased to 45 cents per ton.

Applicant contends that the revenue received under the present rates is insufficient to adequately compensate for the responsibilities as a public warehouseman, nor is it sufficient to allow for any increase in the present rental charge.

The major portion of the revenue is derived from the storage and handling of grain and rice and a small quantity of raisins. In 1925 the grain handled amounted to 8528 tons, the rice 491 tons and the raisins 41 tons. The operating revenue for the same year was $9,060 and the operating expenses $8,308.75, resulting in a net income of $751.25. The operating expenses represent actual out-of-pocket expenditures, including an allowance to Mr. Peake as compensation for devoting his entire time to the management of the warehouse properties.

During the years 1923, 1924 and 1925 the operating results showed a net income profit of $575.25, $266.45 and $751.25, respectively. Based on the contemplated rental charge of 45 cents per ton the revenues under the present rates for the operations years 1923, 1924 and 1925 would have resulted in net income losses of $1,055.75, $1,233.75 and $1,060.75, respectively, and under the proposed rates in net income profits of $983, $641.50 and $1,204.25, respectively.

An exhibit submitted by a witness for applicant shows that the rates proposed compare favorably with those now charged by the principal warehouses in the Sacramento Valley which for grain are from $1.25 to $1.86 per ton and for beans from $1.25 to $2 per ton.

The rules and regulations applicant proposes to establish are practically the same as those maintained by the major warehouses in this territory and are primarily for the purpose of clearly setting forth the privileges and conditions under which the handling and storing of these commodities will be performed.

Upon consideration of all the facts of record we are of the opinion and find that applicant should be permitted to increase the rate for the storage and handling of grain and rice from $1 per ton of 2000 pounds per season to $1.25 per ton of 2000 pounds per season, and on raisins from $1.50 per ton of 2000 pounds per season to $1.75 per ton of 2000 pounds per season and to publish and maintain the rules and regulations shown in Exhibit "A" of the application.

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ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that applicant E. H. Peake, an individual, be and he is hereby authorized to establish, by proper tariff publication, and to thereafter maintain for the storage, receiving, weighing, piling, unpiling and delivery or carloading of grain, rice and raisins at the County Line Warehouse at Hershey, California, a rate on grain and rice of $1.25 per ton of 2000 pounds per season ending May 31st of each year and a rate on raisins of $1.75 per ton of 2000 pounds per season ending May 31st of each year and to concurrently publish and maintain the rules and regulations as set forth in Exhibit "A" attached to and made a part of the application.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16892.

IN THE MATTER OF THE APPLICATION OF ANDREW SCHMIDT OPERATING A PUBLIC WAREHOUSE AT OSWALD, CALIFORNIA, FOR AUTHORITY TO INCREASE THE WAREHOUSE RATES ON WHEAT, BARLEY, OATS AND RICE AND TO ESTABLISH VARIOUS RULES AND REGULATIONS.

Application No. 12752.

Decided June 11, 1926.

RATES—WAREHOUSE—GRAIN—RICE—STORAGE AND HANDLING.—Rate of $1.25 a ton per season for storage and handling of wheat, barley and oats, and of $2 a ton for rice, authorized.

L. A. Bailey and *W. H. Carlin*, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by Andrew Schmidt, an individual, operating a public warehouse at Oswald, California, for authority to increase the season rates for the storage, receiving, weighing, piling, unpiling and carloading of wheat, barley and oats from $1 per ton of 2000 pounds to $1.25 per ton of 2000 pounds and on rice from $1.75 per ton of 2000 pounds to $2 per ton of 2000 pounds. Permission is also requested to establish various rules and regulations governing the storage and handling of these commodities as set forth in Exhibit "A" attached to the application.

A public hearing was held before Examiner Geary at Marysville,

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May 24, 1926, and the application having been duly submitted is now ready for our opinion and order.

The warehouse now in operation at Oswald has a storage capacity of 3000 tons and represents a capital investment in property and facilities of approximately $8,500. The record indicates that applicant has for the past three years operated this property at an actual out-of-pocket loss. In 1923 the operating revenue was $1,397.57, in 1924 $1,088.74 and in 1925 $1,839.18, while for those three years the operating expenses were $2,698.15, $2,965.25 and $2,830, respectively, resulting in an operating loss of $1,300.58 for 1923, $1,876.51 for 1924 and $990.82 for 1925. The operating expenses only include actual expenditures and do not include any overhead expenses such as depreciation, interest on investment, management, etc. This unfavorable showing is attributed by applicant to the fact that when the warehouse was first established, the acreage in the vicinity of Oswald was largely devoted to the raising of grains, but in recent years a considerable portion of the grain land has been devoted to the production of fruits.

Applicant maintains that the proposed rates will not provide sufficient revenue to meet the actual operating expenses, and a reasonable return upon the investment, but in view of the competition of warehouses located at Marysville, Yuba City and other points in the immediate vicinity no higher rates can be published and still retain the tonnage to his warehouse.

The rules and regulations applicant proposes to establish are practically the same as those maintained by the major warehouses in the Sacramento Valley and are primarily for the purpose of clearly setting forth the privileges and conditions under which the handling and storing of these commodities will be performed.

Upon consideration of all the facts of record we are of the opinion and find that applicant should be permitted to increase the rate for the storage and handling of wheat, barley and oats from $1 per ton of 2000 pounds per season to $1.25 per ton of 2000 pounds per season, and on rice from $1.75 per ton of 2000 pounds per season to $2 per ton of 2000 pounds per season and to establish and maintain the rules and regulations shown in Exhibit "A" of the application.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that applicant Andrew Schmidt, an individual,

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be and he is hereby authorized to establish, by proper tariff publication, and to thereafter maintain for the storage, receiving, weighing, piling, unpiling and delivery or carloading of wheat, barley, oats and rice at the warehouse at Oswald, California, a rate on wheat, barley and oats of $1.25 per ton of 2000 pounds per season ending May 31st of each year and a rate on rice of $2 per ton of 2000 pounds per season ending September 30th of each year and to concurrently publish and thereafter maintain the rules and regulations as set forth in Exhibit "A" attached to and made a part of the application.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16893.

IN THE MATTER OF THE APPLICATION OF TUOLUMNE COUNTY ELECTRIC POWER AND LIGHT COMPANY, FOR PERMISSION TO ISSUE NOTES IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS.

Application No. 12890.

Decided June 11, 1926.

SECURITIES—NOTES—TO ISSUE.—Tuolumne County Electric Power and Light Company authorized to issue five promissory notes for $3,000 each, payable in successive years after date of issue, with interest not exceeding seven per cent, for the purpose of paying a judgment against applicant.

BY THE COMMISSION.

OPINION.

In this application Tuolumne County Electric Power and Light Company asks the Railroad Commission to make an order authorizing it to borrow the sum of $15,000, to be evidenced by five unsecured promissory notes for $3,000 each, payable in one, two, three, four and five years after date, with interest at the rate of 7 per cent per annum.

The application shows that during the year 1922, Jay L. Rocca, administrator for the estate of one Lige William Rocca, instituted a proceeding in the superior court of the State of California in and for the county of Tuolumne for the recovery of money as damages for the death of said Lige William Rocca alleged, by plaintiff, to have been caused through the negligence of applicant; that thereafter a verdict was rendered in said action against applicant in the sum of $12,000; that this verdict was affirmed by the appellate court upon appeal by applicant and that a petition for rehearing made by applicant was denied by the Supreme Court.

It is reported that at the time of denial of the petition for rehearing there was due plaintiff, in principal, costs and interest, the sum of $15,945.69. Applicant reports that it can not pay the entire amount and that it has found it necessary to borrow $15,000 to meet the pay-

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ment in part. It appears that it has made arrangements to issue its unsecured notes to obtain this amount.

ORDER.

Tuolumne County Electric Power and Light Company having applied to the Railroad Commission for permission to issue notes and the Railroad Commission being of the opinion that this is a matter in whch a public hearing is not necessary and that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that the application should be granted as herein provided;

It is hereby ordered, that Tuolumne County Electric Light and Power Company be and it is hereby authorized to issue five promissory notes for $3,000 each, payable in one, two, three, four and five years after date of issue, with interest at not exceeding 7 per cent per annum, for the purpose of paying, in part, the judgment, together with interest and costs, to which reference is made in the foregoing opinion.

It is hereby further ordered, that applicant shall keep such record of the issue of the notes herein authorized and of the disposition of the proceeds as will enable it to file, within thirty days after such issue and disposition, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted shall become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16895.

IN THE MATTER OF THE APPLICATION OF A. DUNHAM FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE OPERATION OF AN AUTOMOBILE STAGE LINE AS A COMMON CARRIER OF PASSENGERS AND EXPRESS BETWEEN SAN FRANCISCO AND SAUSALITO ON THE ONE HAND AND GILMORE AVENUE, GUERNEVILLE, MONTE RIO AND INTERMEDIATE POINTS ON THE OTHER.

Application No. 11184.

IN THE MATTER OF THE APPLICATION OF SANTA ROSA, PETALUMA, SAUSALITO AUTO STAGE CO., INC., A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AUTOMOBILE PASSENGER STAGE SERVICE BETWEEN SANTA ROSA AND MONTE RIO AND INTERMEDIATE POINTS VIA LAGOON AND GUERNEVILLE.

Application No. 11534.

Decided June 11, 1926.

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CERTIFICATE—AUTO STAGES.—Application of A. Dunham for a certificate to operate auto stage service for transportation of passengers and express matter between San Francisco and Sausalito, on the one hand, and Gilmore avenue, Guerneville, Monte Rio, and intermediate points, on the other hand, denied. Certificate granted to Santa Rosa, Petaluma, Sausalito Auto Stage Company to operate such service between Santa Rosa and Monte Rio, and intermediate points of Lagoon, Sousa's Corner, Rock Inn and Guerneville, with certain limitations.

Chas. A. Beck and *F. L. Platt*, for A. Dunham, Applicant in Application No. 11184.
Wallace L. Ware, for Santa Rosa, Petaluma, Sausalito Auto Stage Co., Inc., Applicant in Application No. 11534.
J. J. Geary, Donald Geary and *W. A. Cummings*, for Northwestern Pacific Railroad Company, protesting both applications.
Donald Geary and *E. H. Maggard*, for Petaluma and Santa Rosa Railroad Company, Protestant.
Edward Stern, for American Railway Express Company, Protestant.
H. M. Forsyth, for Santa Rosa Chamber of Commerce.
Edward C. Winkler, for Gravenstein Apple Growers Association of Sonoma County.
C. A. Miller, for Petaluma Chamber of Commerce.
H. D. Smith, for Rio Nido Improvement Club.
F. J. Snyder, Cazadero.
P. B. Martin, Cazadero.
A. H. Meeker, Cazadero.
O. E. Dimmick, for Forestville Grange.
Mrs. A. Hahn, Cazadero.
Mrs. A. Miller, Cazadero.
Mrs. Walker, Cazadero.
Geo. Millerick, Cazadero.
F. R. Whitney, Monte Rio.
J. J. Johnson, for Little Sandy Beach Resort, Guerneville.
S. F. Gray, Forestville.
W. C. Fonda, Rio Nida.
W. L. Cole, Guerneville.
Dr. C. J. Schmalz, Guerneville.
C. B. Morton, Cazadero.
John Petty, Cazadero.
S. F. Graham, Forestville.
J. F. Foster, Forestville.
J. K. Johnson, Monte Rio.
E. Whitten, Monte Rio.

BY THE COMMISSION.

OPINION.

In Application No. 11184, as amended, A. Dunham has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and express between San Francisco and Sausalito on the one hand and Gilmore avenue, Cunningham, Sebastopol, Molino, Forestville, Guerneville, Monte Rio and intermediate points on the other hand. By amendment duly filed herein applicant eliminates service between Gilmore avenue and Forestville, said territory being served by protestant Petaluma and Santa Rosa Railroad Company.

In Application No. 11534, as amended, Santa Rosa, Petaluma, Sausalito Auto Stage Co., Inc., a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and neces-

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sity require the operation by it of an automobile stage service as a common carrier of passengers between Santa Rosa and Monte Rio and intermediate points via Lagoon and Guerneville excepting service for passengers originating at a point east of Sousa's Corner when destined to any point east of a point one mile westerly from Forestville, or originating at any point between Sousa's Corner and a point one mile west of Forestville and destined to any point east of Sousa's Corner.

Public hearings were conducted by Examiner Handford at Guerneville and Santa Rosa, the matters were consolidated for the purpose of receiving evidence and for decision, were duly submitted and are now ready for decision.

In Application No. 11184, as amended, applicant A. Dunham proposes to operate between San Francisco and Monte Rio, serving the intermediate points of Gilmore avenue, Cunningham, Sebastopol, Molino, Forestville and Guerneville, no local service to be rendered between Gilmore avenue and Forestville, which are now served by the Petaluma and Santa Rosa Railroad Company.

Applicant proposes to charge rates in accordance with a schedule marked "amended Exhibit A" as filed with the amended application herein; to operate on a schedule of three round trips daily; and to use as equipment four stages of the safety coach type with seating capacity of 20 to 22 passengers each, together with such reserve equipment as may be necessary from applicant's presently authorized lines.

Applicant relies as justification for the granting of the requested certificate on the following alleged facts: That the territory proposed to be served is a summer resort territory patronized by people from the San Francisco Bay district; that the present transportation facilities are inadequate; that during the vacation season, particularly on week-ends, the trains of the Northwestern Pacific Railroad are overcrowded and passengers are obliged to stand in the aisles and on the platforms of cars by reason of their inability to obtain seats; that during winter months an inadequate train schedule is maintained; that inadequate parking facilities exist at many points on the Russian River to the extent that parties who otherwise would use their privately owned machines for transportation are unable to do so and are thereby deprived of the opportunity of automobile travel due to the absence of a public automobile transportation; that it is the intention of applicant to connect as far as possible with the train schedules of the Petaluma and Santa Rosa Railroad at Sebastopol to handle passengers to and from such line and the resorts on the Russian River; and that inadequate and delayed express service is rendered via the Northwestern Pacific Railroad to Guerneville and Monte Rio, which service will be cared for by applicant in an adequate and efficient manner.

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In Application No. 11534, as amended, applicant Santa Rosa, Petaluma, Sausalito Auto Stage Co., Inc., proposes to operate between Santa Rosa and Monte Rio, serving the intermediate points of Lagoon, Sousa's Corner, Rock Inn and Guerneville, eliminating service for passengers originating at a point east of Sousa's Corner and destined to any point east of a point one mile westerly from Forestville, and for passengers originating at any point between Sousa's Corner and a point west of Forestville and destined to any point east of Sousa's Corner.

Applicant proposes to charge rates in accordance with a schedule marked "Exhibit A" as filed with the application herein and to operate on a schedule of five round trips daily with additional trips if justified by travel demands, using as equipment two modern stages, each of twenty passenger capacity, together with such reserve equipment as may be necessary.

Applicant relies as justification for the granting of the desired certificate on the following alleged facts: That the territory proposed to be served is at present inadequately served by the present rail carrier; that the proposed service will afford the residents of Santa Rosa and neighborhood communities access to resorts which can not be had at present by reason of infrequent train service; that the proposed service will furnish opportunity for transportation from Russian River resorts to Santa Rosa and from such point to Calistoga, Eureka and way points, Napa, Sacramento and way points, Petaluma, San Rafael, Sausalito, San Francisco and way points; that residents of Santa Rosa and adjacent communities will be able to visit Russian River resorts by leaving Santa Rosa after the noon hour and returning, if desired, by early evening; that passengers living at Russian River points will be able to journey to Santa Rosa at a later hour than now possible and from such point to reach destinations south of said Santa Rosa; and that a large number of farmers in the territory proposed to be served will be able to travel directly from their homes without engaging temporary transportation and traveling considerable distances to rail transportation.

Applicant A. Dunham testified that he had been for the past thirteen years in the automobile stage business and that he was financially able to establish the proposed service. Also as to his investigation of the need for service over the proposed route, both as to the carriage of passengers and express.

It was stipulated by applicant that the express packages would be limited to those that would be carried on the passenger stages and no express service requiring the use of separate vehicles would be established.

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Applicant called seventeen witnesses, six from Sebastopol, one from Rio Nido, one from Forestville, one from Sousa's Corner, six from Guerneville and two from ranch points.

These witnesses all endorsed the proposed service as a convenience and as such being desirable, but all but two testified that in their trips to San Francisco and other points proposed to be served by applicant they used their own cars. Some of the witnesses testified as to their desire to use the proposed line in the shipment of parcels and express packages.

The Sebastopol Merchants Association endorsed the application of A. Dunham in so far as through service was contemplated between San Francisco and Russian River points but were opposed to the inauguration of any service that would handle passengers locally between Petaluma and Forestville and intermediate points.

The granting of Application No. 11184 was protested by the Petaluma and Santa Rosa Railroad Company, the Northwestern Pacific Railroad Company, the American Railway Express Company, and in part by Santa Rosa, Petaluma, Sausalito Auto Stage Co., Inc.

Fifteen witnesses were called for protestant Northwestern Pacific Railroad Company, principally resort owners, merchants and business men. Twelve testified as to conditions at Guerneville, two as to Rio Nido, and one as to Monte Rio. The testimony of five others was stipulated as to conditions at Monte Rio. All these witnesses testified as to the adequacy of the service as rendered by protestant Northwestern Pacific Railroad Company, and expressed the opinion that no additional service was necessary, two witnesses testifying as to the satisfactory express facilities presently existing.

Mr. E. C. Winkler, a witness for protestant Petaluma and Santa Rosa Railroad Company, testified that he resided between Sebastopol and Forestville, about two miles from the latter point. This witness considers the present railroad service adequate and objects to the establishment of additional service.

Resolutions were filed by the Cunningham Farm Center and the Chamber of Commerce of Santa Rosa requesting a denial of the Dunham application.

Mr. E. H. Maggard, president and general manager of protestant Petaluma and Santa Rosa Railroad Company, testified in regard to the anticipated decrease in earnings of his company if the application of A. Dunham were to be granted.

This witness presented an exhibit showing that the applicant Dunham proposes paralleling the railroad of protestant between Caldwell and Molino, a distance of 6⅓ miles, and between Carbro and Forestville, a distance of 2⅓ miles, the highway being at varying distances from ¼ mile to 1 mile distant from the railroad between such above men-

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tioned points. The service proposed competes with protestant in the zone bounded by Petaluma on the south and one mile north of Forestville on the north, also in the handling of through business between San Francisco and Sebastopol, such traffic now being handled by this protestant in connection with the Northwestern Pacific Railroad and the Santa Rosa, Petaluma, Sausalito Auto Stage Company at Petaluma and Santa Rosa. The proposed express service will compete with the freight service of protestant unless confined to passenger stages. A statement of passenger business handled by this protestant during the seven months period ending July 31, 1925, shows a total revenue from such source of $28,358.28. Deducting actual operating expenses and taxes (in amount $24,219.03) leaves a net revenue of $4,139.25. As no depreciation, maintenance of way and structures or general expense is included in the foregoing total of expenses the passenger business of this protestant is being conducted at so slight a margin of profit that any diversion of traffic or revenue would create conditions justifying its curtailment or discontinuance.

Mr. J. J. Geary, general freight and passenger agent of protestant Northwestern Pacific Railroad Company, testified that he had made a study of the traffic moving to Russian River resort territory, the resort traffic having commenced in 1906 due to the development of Guerneville Park (then known as Mirabel Park and later as Rio Campo). This protestant publishes "Vacation," an annual which describes the various resorts served by its railroad, the cost of publication being about $3,500 for each annual issue of 20,000 copies. No portion of this expense is assessed to the resort owners except that the resort owners furnish such cuts as they desire to illustrate the text describing their places of business.

Exhibits filed at the hearing by this protestant show deficits from operation in the following amounts during the periods mentioned:

Year ending December 31, 1923	$10,208 32
Year ending December 31, 1924	113,644 58
Nine months ending September 30, 1925	119,805 29

The deficit appears to have principally accrued from a falling off in passenger business, although there was a material decrease in the freight revenue in the year 1924 over that of 1923, this decrease, however, being overcome in 1925, when the freight business shows approximately the same return as in the corresponding period of 1924.

It is the contention of this protestant that the service now rendered to Russian River points, especially from San Francisco and the territory between Sausalito and Santa Rosa, is adequate and responsive to the needs of its patrons and the resort territory thereby served, and that any diversion of traffic or division of traffic with additional carriers would create a condition whereby the present service would

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become unprofitable to the extent that a curtailment of train service would be necessary, such curtailment of service affecting not alone the Guerneville branch but also the portion of the main line between Sausalito and Santa Rosa.

Exhibits filed by this protestant show the average travel on various trains as follows:

TRAIN No. 222 (A. M. TRAIN).

(Includes passengers handled for main line points, San Francisco to Fulton, inclusive.)

	Daily except Saturday and Sunday	*Saturday*	*Sunday*
October, 1924	26	70	67
November, 1924	24	42	66
December, 1924	26	42	75
January, 1925	27	38	55
February, 1925	27	54	69
March, 1925	28	47	65
April, 1925	33	62	72
May, 1925	41	80	143
June, 1925	75	133	127
July, 1925	133	277	274
August, 1925	67	173	174

TRAIN No. 224 (P. M. TRAIN).

(Includes only passengers out of San Francisco for points beyond Fulton on the Guerneville Branch.)

	Daily except Saturday and Sunday	*Saturday*	*Sunday*
October, 1924	12	48	14
November, 1924	6	16	4
December, 1924	5	12	4
January, 1925	4	14	3
February, 1925	5	35	5
March, 1925	5	13	5
April, 1925	8	28	9
May, 1925	13	73	37
June, 1925	70	292	62
July, 1925	118	588	125
August, 1925	77	410	67

Special Saturday and Sunday service was operated during 1925 to Russian River points, resulting in the following averages as to passengers carried:

	Sunday only	*Saturday special*
June, 1925	88	--
July, 1925	241	80
August, 1925	98	56

The record of passengers arriving at Sausalito on trains originating in the Russian River territory on Sundays and special Monday train are as follows:

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	Train 223 Sunday only	*Train 225 Sunday only*	*Train Monday special*
June 7	99	170	--
June 14	145	250	--
June 21	184	304	--
June 28	294	292	--
July 5	741	1794	--
July 6	--	--	97
July 12	325	481	--
July 13	--	--	82
July 19	375	586	--
July 20	--	--	104
July 26	453	685	--
July 27	--	--	106
August 2	496	484	--
August 3	--	--	50
August 9	399	494	--
August 10	--	--	46
August 16	487	523	--
August 17	--	--	49
August 23	274	425	--
August 30	155	222	--

It is the contention of this protestant that ample accommodation is provided and has been available to meet all the demands of traffic and to care for such peak movement as may occur by reason of week-end travel to and from the Russian River resorts. The record as shown by exhibits filed does not indicate that any particular volume of traffic has been attracted to the special trains operated on Saturday with early Monday return, to care for week-end patrons.

Mr. W. H. Curtis, a director of applicant Santa Rosa, Petaluma and Sausalito Auto Stage Co., Inc., testified that his company proposed to use stages of 20 passenger capacity in the proposed service between Santa Rosa and Monte Rio, and that applicant was induced to file for the desired certificate by reason of complaint as to inadequate service, there being no public transportation other than the rail service of protestant Northwestern Pacific Railroad Company.

Petitions signed by 692 residents of Santa Rosa and points on the proposed route were presented, the signers thereof alleging that the present service was inadequate and that the establishment of the stage line as proposed by applicant Santa Rosa, Petaluma and Sausalito Auto Stage Co., Inc., was a necessity for the persons residing in the towns proposed to be served as well as for those residing at intermediate points along the proposed route.

F. R. LeFebre, employed as a ticket agent at the Union Stage terminal, Sacramento, testified that during his working hours, from 8 a. m. to 6 p. m. daily, he received inquiries from 800 to 900 persons for transportation, and that of such inquiries there was daily inquiry for stage service to Russian River points. The witness estimated that from four to five such inquiries were received daily, during the summer season, either by telephone or personal call.

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J. P. Ferguson, employed as assistant manager and ticket agent for applicant Santa Rosa, Petaluma and Sausalito Auto Stage Co., Inc., at Santa Rosa, testified as to inquiries made at his ticket office for stage transportation to Russian River points averaging in the summer season from six to seven on the ordinary week day and many more on Saturdays and Sundays. During the winter season the inquiries are infrequent.

F. E. Paddock, employed as ticket agent by applicant at Petaluma, testified regarding the receipt during summer months of from fifteen to twenty inquiries daily for stage service to Guerneville and other Russian River points.

Eight witnesses, merchants and business men of Santa Rosa, testified in favor of the granting of the application of Santa Rosa, Petaluma and Sausalito Auto Stage Co., Inc. These witnesses expressed their belief that the service of protestant Northwestern Pacific Railroad Company was inadequate during the summer months, especially as regards service on week-ends. All were of the opinion that more frequent service would build up the business relations between Santa Rosa and the Russian River resorts and result in a greater community interest. It was stipulated that nine other witnesses, if called, would testify substantially in accordance with the testimony given by the eight that were examined.

A resolution of the board of directors of the Santa Rosa Chamber of Commerce, dated November 13, 1925, was filed as an exhibit, said resolution favoring the granting of the application, and also rescinding the action of the board of directors on September 15, 1925, protesting against the granting of such application.

The Guernewood Park Development Company, by resolution dated September 15, 1925, protests the granting of the application of Santa Rosa, Petaluma and Sausalito Auto Stages Co., Inc., and similar protest was made by the board of supervisors of the county of Sonoma by resolution dated September 14, 1925.

The granting of this application is protested by the Northwestern Pacific Railroad Company, and the grounds of protest and testimony pertinent thereto are fully set forth in the consideration of the protest against the application of A. Dunham as heretofore considered.

The protest of Petaluma and Santa Rosa Railroad Company to the granting of the application of Santa Rosa, Petaluma and Sausalito Auto Stage Co., Inc., was withdrawn following stipulation of said applicant and subsequent filing of an amendment providing

> "that applicant will not maintain any automotive passenger service whatsoever for passengers originating at a point east of Sousa's Corner and destined to any point east of a place one mile westerly from Forestville; and provided further, that applicant will not maintain any automotive passenger service whatsoever for passengers originating at any point between Sousa's Corner

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and a place one mile west of Forestville and destined to any point east of Sousa's Corner."

We have given careful consideration to the evidence and exhibits in these proceedings and from such consideration we conclude and hereby find as a fact that the record herein does not justify the granting of a certificate to applicant A. Dunham for the operation of a passenger service between San Francisco and Sausalito on the one hand and Gilmore avenue, Guerneville, Monte Rio and intermediate points. The evidence herein shows no demand for the service from the San Francisco-Sausalito terminal other than from the few resort owners in the Russian River territory who are not averse to the inauguration of any additional service, irrespective of its effect on present service. There appears no new business to be cared for or to be developed by the establishment of a competing service; and there is a substantial showing in protest, not alone from competing transportation companies, but from patrons of such companies, who have testified that they are receiving adequate and satisfactory service.

We are of the opinion and hereby conclude and find as a fact that the evidence herein justifies the granting of the certificate as prayed for by the Santa Rosa, Petaluma and Sausalito Auto Stage Co., Inc., in accordance with its amended application.

The granting of this application will enable more frequent opportunity for communication by public transportation between Santa Rosa and Russian River points, a condition desired by merchants and business men of Santa Rosa, and against which no substantial or material protest appears herein.

ORDER.

Public hearings having been held on the above entitled applications, which were consolidated for the purpose of receiving evidence and for decision, the matter having been duly submitted and the Commission being now fully advised and basing its order on the conclusions and findings of fact as appearing in the opinion which precedes this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity do not require the operation by A. Dunham of an automobile stage line as a common carrier of passengers and express between San Francisco and Sausalito on the one hand, and Gilmore avenue, Guerneville, Monte Rio and intermediate points on the other hand; and

It is hereby ordered, that the application of said A. Dunham be and the same hereby is denied.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Santa Rosa, Petaluma, Sausalito Auto Stage Co., Inc., a corporation, of an

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automobile stage line as a common carrier of passengers between Santa Rosa and Monte Rio and the intermediate points of Lagoon, Sousa's Corner, Rock Inn and Guerneville, provided, however, that no service shall be rendered for passengers originating at a point east of Sousa's Corner when destined to any point east of a point one mile westerly from Forestville, or for passengers originating at any point between Sousa's Corner and a point one mile west of Forestville and destined to any point east of Sousa's Corner. No authority is hereby conveyed for the joining or linking up of the certificate hereby granted with other operative rights now owned by applicant herein; and

It is hereby ordered, that a certificate of public convenience and necessity be and the same hereby is issued to Santa Rosa, Petaluma, Sausalito Auto Stage Co., Inc., a corporation, for the operation of an automobile stage service as a common carrier of passengers only, between Santa Rosa and Monte Rio and the intermediate points of Lagoon, Sousa's Corner, Rock Inn and Guerneville, subject to the limitations and restrictions contained in the foreging declaration. No authority is hereby conveyed for the carriage of baggage, express, parcels, freight or other property. The certificate hereby granted is subject to the following conditions:

1. Applicant herein shall file with the Railroad Commission its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty days from the date hereof.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION NO. 16896.

IN THE MATTER OF THE APPLICATION OF SECURITY WAREHOUSE AND COLD STORAGE COMPANY FOR AN ORDER AUTHORIZING SAID APPLICANT TO EXECUTE AND ISSUE ITS PROMISSORY

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NOTES IN THE AGGREGATE SUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND SECURE THE SAME BY DEED OR DEEDS OF TRUST ON ITS REAL PROPERTY.

Application No. 12832.
Decided June 11, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

S. G. Tompkins, for Applicant.

BY THE COMMISSION.

OPINION.

In this application as amended at the hearing had before Examiner Fankhauser on May 24th, Security Warehouse and Cold Storage Company asks permission to issue $175,000 face value of 6 per cent notes payable on or before ten years after date and execute deeds of trust to secure the payment of such notes.

Security Warehouse and Cold Storage Company is engaged in the business of accepting for storage for hire from the public generally, all manner of merchandise and of storing in cold storage fresh fruits and vegetables in the city of San Jose. The company has an authorized stock issue of $500,000, of which $330,000 has been issued and is outstanding. The company has no bonded indebtedness. It did, however, execute a deed of trust to secure a loan of $50,000 from the Bank of Italy and a deed of trust to secure a loan of $75,000 from the Mercantile Trust Company of California. The deeds of trust are a lien on real property owned by the company.

It is of record that the money obtained from the issue of the notes to the Bank of Italy and to the Mercantile Trust Company of California has been used to enlarge applicant's storage plant and facilities and also to acquire and construct an ice plant.

The company now proposes to issue notes in the aggregate sum of $175,000. The proceeds obtained through the issue of such notes will be used to pay the $125,000 of notes due the Bank of Italy and the Mercantile Trust Company of California and to pay in part the cost of acquiring and constructing additional buildings and properties used and usable in the conduct of applicant's business. The properties which applicant intends to acquire or construct are described as follows:

Four-story reinforced concrete warehouse and equipment	$30,000 00
Subdivide floor space in existing building	1,610 00
To erect new office building	14,500 00
To convert present office space into storage space	4,000 00
To rearrange room 64 so as to make it available for cold storage	3,982 53
To change sections 1-2, 2-2 into cold storage sections	19,394 26
Total	$73,486 79

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P. Q. Patton, general manager of Security Warehouse and Cold Storage Company, testified that work has been started on several of the improvements and that, in his opinion, the cost of acquiring the properties and the cost of making the improvements will not exceed the total estimated cost of $73,486.79. Any moneys necessary to pay for the improvements not obtained through the issue of $175,000 of notes will be taken from the company's earnings.

It is of record that none of the $125,000 of notes now outstanding were issued in order to pay operating expenses and that all of the money obtained through the issue of such notes was used to acquire or construct additional properties and equipment for applicant's warehouse business.

It is of record that applicant has arranged to obtain a loan of $75,000 from the Bank of Italy and a loan of $100,000 from the Mercantile Trust Company of California. These loans will be secured by deeds of trust.

Applicant has filed with the Commission copies of its proposed deeds of trust. Such deeds of trust are in satisfactory form.

ORDER.

Security Warehouse and Cold Storage Company, having applied to the Railroad Commission for permission to issue notes in the aggregate sum of $175,000, a public hearing having been held and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such notes is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, as follows:

1. Security Warehouse and Cold Storage Company may execute deeds of trust substantially in the same form as the deeds of trust filed in this proceeding, provided that the authority herein granted to execute said deeds of trust is for the purpose of this proceeding only and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said deed of trust or deeds of trust as to such other legal requirements to which said deed of trust or deeds of trust may be subject.

2. Security Warehouse and Cold Storage Company may issue at not less than par, notes in the aggregate sum of not exceeding $175,000, said notes to bear interest at not to exceed 6 per cent per annum and to be payable on or before ten years after date. If the company issues notes for a term of less than ten years, it may renew said notes from time to time, provided that the combined terms of the original notes

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and any notes issued in renewal thereof shall not exceed ten years from the date of this order.

3. The proceeds obtained through the issue of $175,000 of notes shall be used for the following purposes:

a. Pay note to Bank of Italy, $50,000.
b. To pay notes to Mercantile Trust Company of California, $75,000.
c. To pay in part for the buildings, improvements and equipment described in this application, $50,000.

4. The authority herein granted to issue notes will become effective when applicant has paid the fee prescribed in the Public Utilities Act, which fee is $175.

5. Security Warehouse and Cold Storage Company shall keep such record of the issue, sale and delivery of the notes herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16898.

IN THE MATTER OF THE APPLICATION OF SANTA PAULA WATER WORKS, A CORPORATION, FOR AUTHORITY TO ISSUE SECURITIES.

Application No. 11471.

Decided June 11, 1926.

SECURITIES—STOCK—TO ISSUE.—Authority granted applicant to issue and sell $100,000 of common stock to pay outstanding notes.

BY THE COMMISSION.

FIRST SUPPLEMENTAL OPINION AND ORDER.

In a supplemental petition filed in the above entitled matter on May 28, 1926, Santa Paula Water Works asks for an order authorizing it to issue and sell at not less than par, and without the payment of any commission or brokerage, 1000 shares of its common capital stock of the aggregate par value of $100,000 for the purpose of paying outstanding indebtedness.

By Decision No. 13489, dated April 30, 1924, in Application No. 9956, the Railroad Commission authorized applicant to issue and sell on or before July 1, 1925, at not less than par $100,000 of common stock for the purpose of paying in part outstanding notes then amounting to $106,000, which had been issued, to pay for extensions, additions and betterments installed prior to December 31, 1923. Applicant reports that it has issued none of the stock.

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On July 23, 1925, the company filed Application No. 11471, in which it asked permission to issue three-year 7 per cent notes. It is reported, in the application, that since the date of Decision No. 13489 it had incurred additional expenditures in constructing extensions, additions and betterments to its properties and that its note indebtedness had increased from $106,000 to $123,200. By Decision No. 15283, dated August 13, 1925, applicant was granted permission to issue not exceeding $123,200 of notes payable at not more than three years after date with interest at the rate of not exceeding 7 per cent per annum in payment or in renewal of the notes then outstanding.

It appears, from the supplemental petition now pending, that $83,200 of said notes have been issued under the authority granted by Decision No. 15283 and that applicant has found it necessary to issue additional notes, its total note indebtedness as of April 1, 1926, amounting to $135,200. The company reports that it believes that it can sell its stock at this time and it therefore asks permission to issue and sell at not less than par, $100,000 of stock to pay in part its outstanding notes.

The Commission has considered applicant's request and is of the opinion that a further hearing is not necessary and that the issue of the $100,000 of stock is reasonably required by applicant; therefore,

It is hereby ordered, that Santa Paula Water Works be and it is hereby authorized to issue and sell, on or before June 30, 1927, at not less than par, $100,000 of its common capital stock and to use the proceeds to pay in part the outstanding notes to which reference is made herein.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eleventh day of June, 1926.

DECISION No. 16905.

IN THE MATTER OF THE APPLICATION OF WM. L. GOVAN FOR AUTHORIZATION AND PERMISSION TO RAISE RATES AND RENTAL CHARGES FOR WATER SERVICE ON CARNELIAN BAY, LAKE TAHOE.

Application No. 12158.

Decided June 14, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

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Earl D. White, by I. H. Pfaffenderger, for Applicant.
Robert Gaylord, in propria persona.
Mrs. Loraine S. Hamilton, in propria persona, and for Howard B. Davis.

BY THE COMMISSION.

OPINION.

This is an application by William L. Govan, owner of a public utility water system which supplies water for domestic use to the inhabitants of Carnelian Bay, Lake Tahoe, in Placer County, alleging in effect that the present rates are insufficient to pay operating expenses, necessary repairs, maintenance charges and a fair rate of interest on the money invested, and that the system has been operated continuously at a loss ever since its installation. Applicant therefore asks the Railroad Commission to authorize an increased schedule of rates for the water service rendered.

A public hearing was held in the above proceeding before Examiner Satterwhite at San Francisco, after all interested parties had been notified and given an opportunity to appear and be heard.

The rates now in effect on this system were fixed by order of this Commission in its Decision No. 7678, dated June 8, 1920, and are as follows:

RATES—FLAT.

	Per year
For each residence; for each family camping or living in tents; for each store or place of business	$12 50
For each hotel or lodging house, $1.00 per room in addition to the regular charge of	12 50

All rates are payable in advance and are for the calendar year.

The water supply for this system is obtained from springs and collected by means of a small concrete dam impounding a limited amount of water which is delivered by gravity to the consumers. There are 10,555 feet of pipe lines serving an average number of twenty-seven consumers. This water system was installed to render water service to campers and summer residents in Carnelian Bay, an arm of Lake Tahoe. The service rendered is required only for a very small number of consumers during the short summer season. The plant is not in operation during the early spring, late fall and winter months. By reason of the high altitude, the extreme cold of winter makes the proper protection of the system against freezing rather difficult.

D. H. Harroun, one of the Commission's hydraulic engineers, presented a report covering a field investigation and appraisal of the physical properties of the utility, together with a study of maintenance and operation expense, in which the estimated original cost of all used and useful property was given as $5,146, and the depreciation annuity computed by the 5 per cent sinking fund method was found to be $113.

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The operating revenues and expenses as set out in the company's accounts for the year 1925 are as follows:

Operating revenue	$405 50
Operating expense	659 85
Deficit	$254 35

The necessary yearly maintenance and operation expense for the immediate future was estimated by the Commission's engineer to be $200, exclusive of depreciation allowance.

The evidence indicates that the large difference between the operating costs as shown by the applicant's accounts and the costs recommended by the engineer for the Commission is attributable to the inclusion in operating costs of certain extraordinary repairs which should not reasonably recur annually, and also to the charging of a larger sum for the salary of the operator of the system than the number of consumers served and other conditions would warrant. In a plant of this size, operated entirely by gravity, but little actual supervision is required. The consumers under such circumstances can not reasonably be called upon to stand the unnecessary burden of continuous supervision. It therefore appears that the allowance for operation expenses recommended in the report of the engineer for the Commission is ample for the conditions obtaining on this system.

It must be evident that where consumers desire the advantages of water service to their premises in summer resort communities for short periods during the year, ranging from one week only to two and three months, the cost of rendering the service demanded is relatively high when compared to the costs of similar service furnished continuously throughout the year to a large number of consumers in permanent localities and towns. The small number of consumers on this system necessarily increases the proportion of the cost of furnishing water which each must bear.

The rates at present in effect do not reasonably compensate the applicant for the costs of rendering the service required. The schedule of rates set out in the following order will produce revenues which will amply take care of the necessary operating expenses, will provide for a depreciation fund, and with the placing in effect of a more efficient and economical system of operation than has obtained in the past there should be earned in addition a return upon the investment which will be reasonable under the existing circumstances.

In view of the fact that the summer camping and tourist season has already opened and as the rates established in the order following this opinion can not properly be made retroactive or effective at a date prior to the order herein, provision therefore will be made for the prorating of the charges for water service for the season of 1926

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between the rates formerly in effect and the rates as established in the following order.

ORDER.

Wm. L. Govan having made application as entitled above, a public hearing having been held thereon and the matter having been submitted, and the Commission being now fully informed in the matter:

It is hereby found as a fact that the rates now charged by Wm. L. Govan for water supplied to his consumers are unjust and unreasonable in so far as they differ from the rates herein established and that the rates herein established are just and reasonable rates for the service rendered; and basing its order upon the foregoing finding of fact and upon the other statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that Wm. L. Govan be and he is hereby authorized and directed to file with the Railroad Commission within twenty (20) days from the date of this order, the following rates for water delivered to his consumers, said rates to be charged for all water delivered subsequent to June 15, 1926, except as otherwise provided herein:

FLAT RATES.

For water furnished to	
1. Residence,	
2. Family or party camping or living in tents,	
3. Store or other place of business, annual charge	$20 00
4. For each hotel, lodging house, annual base rate	18 00
Additional for each rentable room in the above (item 4)	1 25

All rates are payable in advance and are for the calendar year.

It is hereby further ordered, that for the year 1926 the rates to be charged shall be based upon the proportion of 25 per cent of the heretofore existing rates to cover the period to and including the fifteenth day of June, 1926, and 75 per cent of the rates as herein established to cover the remainder of the season subsequent to the effective date of said rates, to wit, the fifteenth day of June, 1926.

It is hereby further ordered that Wm. L. Govan be and he is hereby directed to file with the Railroad Commission, within twenty days from the date of this order, rules and regulations governing the service of water to his consumers, said rules and regulations to become effective upon their approval by the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of June, 1926.

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Decision No. 16906.

IN THE MATTER OF THE APPLICATION OF CITIZENS WATER ASSOCIATION FOR AN ORDER AUTHORIZING IT TO INCREASE ITS RATES.

Application No. 12644.

Decided June 14, 1926.

RATES—WATER UTILITY—TO INCREASE—DISCRIMINATION—RATE BASE.—Finding a rate base of $30,000 not unreasonable, the Commission authorizes the utility to establish a new schedule of rates calculated to produce a fair return on that amount. It is held that a reduction of rates for sewer flushing below those in effect for domestic use would be an unfair discrimination against domestic users.

M. R. Van Wormer for Applicant.

BY THE COMMISSION. **OPINION.**

In the above entitled application the Citizens Water Association has requested this Commission to authorize an increase in rates for water service to Pismo Beach, San Luis Obispo County. The applicant herein is a voluntary association of a number of persons who reside in Pismo, operating under the fictitious name and style of the Citizens Water Association.

A public hearing in this matter was held before Examiner Austin at Pismo after all interested parties had been notified and given an opportunity to be present and be heard.

The applicant acquired title to this public utility property by authority contained in this Commission's Decision No. 16139 in Application 12394. The present water supply is obtained from wells owned by W. W. Ward, and is highly impregnated with mineral salts, causing a rather disagreeable taste. Water is pumped into a 60,000 gallon reservoir, from which it flows by gravity through approximately 18,000 feet of pipe and casing, sizes 2" to 4" inclusive. On April 1, 1926, there were 218 consumers on the system, which is only partially metered. Upon acquiring the property applicant immediately entered into a program of reconstructing the system, and drilled new wells to obtain a more palatable water. These improvements are being completed as rapidly as possible, and if properly installed will result in the rendering of a reasonably good and adequate water service.

The present rates of this utility are as follows:

FLAT RATES.

	Per month
Stores and offices	$1 25
Houses, apartments and rooming houses, 3 rooms or less	1 25
For each additional room	15
Hotel, dining room and kitchen	5 00
Bedrooms in hotels or detached, per room	30
Restaurants, per seating capacity	075
Minimum	1 50

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Barbershops	$1 50
Horses and cows, each	10
Saloons and bars	5 00
Soda fountains and ice cream parlors	1 50
Public garages	3 00
Houses and tents with faucet only on outside	75
Lawns, flowers and gardens, per 100 square feet during irrigation	04

METER RATES.

Minimum for 250 cubic feet or less	$1 00
All use over 250 cubic feet, per 100 cubic feet	25

The applicant states that these rates returned $5,305 for the period August 1, 1924, to July 31, 1925, and submits an estimate of the value of the property of $23,800 as of January 1, 1926. Subsequent to this date replacements have been made, which, together with the necessary improvements, applicant estimates will cost approximately $14,700. The operating expense of the utility is claimed to be $10,100 per year, which the record shows included estimated costs for pipe extensions, service connections and meter installations. This amount does not include an allowance for depreciation reserve.

M. I. Reed, one of the Commission's assistant engineers, submitted a report containing an appraisal of the property, which totalled $22,192 as of April 15, 1926. This amount includes the estimated original cost of the property and the present value of the lands and rights of way. A depreciation allowance was computed by the 5 per cent sinking fund method, and amounted to $508. Additions and betterments to the property which are now being completed were estimated to cost $10,000, with an additional allowance of $1,400 to completely meter the system. The Commission's engineer estimated the operating expenses to be $4,780 exclusive of the additional expenses to be incurred upon the full metering of the system and the completion of improvements now in course of construction.

It appears that a rate base of $30,000 is not unreasonable at this time for the purposes of this proceeding. The operating expenses of the utility for the immediate future, including a fair allowance for depreciation and the additional expenses necessary to cover improvements now in course of construction, may reasonably be taken at $5,900.

Mr. Thomas Hancock, appearing on behalf of the sewer district, which has recently completed the sewer system in the town of Pismo, asked this Commission to fix a lower rate for water used in flushing the sewers than is given the domestic consumers. The amount of water to be used was estimated at 6000 gallons per day, which will be furnished from approximately 28 metered service connections. Inasmuch as these connections will require no more water than the majority of the domestic consumers in Pismo, it appears that a reduced rate for this service would be discriminatory as against the other consumers.

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The community of Pismo is more or less a summer resort in character, and the service requirements will be greater in the summer season than at any other period of the year. The charges set out in the order herein will provide a schedule of rates which will more equitably distribute the burden between the seasonal and permanent consumers, and at the same time will more fairly spread the rates over the various classes of service, which are not clearly defined in the present rate schedule of the utility.

A revision of the rules and regulations for service should be undertaken at once, and the utmost care should be taken in the interpretation and application of such rules in order to avoid any possibility of unfair discrimination in the future. The utility as reorganized has expressed its desire to conform to the practices as authorized by this Commission, and it now appears that the service difficulties which characterized this system in the past have already been eliminated and good service may be expected in the future.

ORDER.

Citizens Water Association having applied to the Railroad Commission for an order authorizing it to increase its rates for water service to the consumers in Pismo, San Luis Obispo County, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter:

It is hereby found as a fact that the rates now charged by Citizens Water Association for water delivered to its consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for such service.

Basing the order upon the foregoing finding of fact and upon the statements of fact contained in the preceding opinion;

It is hereby ordered, that Citizens Water Association be and it is hereby authorized and directed to file with this Commission within twenty (20) days from the date of this order the following schedule of rates to be charged its consumers in and in the vicinity of Pismo, San Luis Obispo County, for all water delivered subsequent to June 30, 1926:

FLAT RATES.

Monthly Minimum Rates—

1. For each residence occupied by a single family	$1 75
2. Dentist's, real estate or insurance office, drug stores and pool rooms	1 50
3. Grocery and dry goods stores, butcher shops, public halls, blacksmith shops, garages and five stalls or less, photograph galleries, theaters, barber shops with two chairs or less, restaurants with capacity of ten seating units or less	2 00
4. Hotels, per room, including bath and toilet facilities	20

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5. In addition to the above charges (except item 4, hotels):	
Each room over five rooms	$0 20
Each bath tub or toilet or lavatory in addition to one of each	50
Each urinal	50
Each stall in a garage in excess of five	25
Each tent or cottage of 3 rooms or less	25
(Where tent or cottage is rented for a period of one month or less; if more than one month residence rate applies.)	
Each unit of restaurant or cafe seating capacity over ten, and each barber chair over two	15
6. Irrigation rate for sprinkling gardens and shrubbery, per square yard	005
7. Each private fire hydrant:	
2″ and 2½″	1 00
3″ and 4″	1 25

METER RATES.

Monthly Minimum Meter Charges—

For residences, stores, offices, municipal works, restaurants, apartment houses, hotels, etc.

⅝″ meter	$1 50
¾″ meter	2 00
1″ meter	3 50
1½″ meter	5 00
2″ meter	7 50
3″ meter	10 00
4″ meter	20 00

The following amounts are to be added to the above monthly minimum charges for the period May 1st to October 1st:

Where service is furnished to tent colonies, bungalow courts, summer cottage units and other properties of like nature in conjunction with any other service heretofore specified:

More than 3 and less than 7	$0 50
More than 6 and less than 10	75
More than 9 and less than 15	1 00
15 or more	1 25

Each of the foregoing monthly minimum charges will entitle the consumer to that quantity of water which the monthly minimum charge will purchase at the following monthly quantity rates:

Monthly Meter Quantity Rates—

0 to 500 cubic feet, per 100 cubic feet	$0 30
500 to 2000 cubic feet, per 100 cubic feet	25
Over 2000 cubic feet, per 100 cubic feet	20

Public use for schools, street sprinkling, buildings, sewer flushing to be purchased at regular metered rates.

Water furnished contractors will be furnished through a temporary meter and the cost of setting and removing it to be assessed the user.

It is hereby further ordered, that Citizens Water Association be and it is hereby authorized and directed to file with this Commission within twenty days from the date of this order, rules and regulations governing relations with its consumers, said rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of June, 1926.

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DECISION No. 16908.

IN THE MATTER OF THE APPLICATION OF INTERSTATE TRANSIT COMPANY FOR AN ORDER AUTHORIZING ISSUE OF STOCK.

Application No. 12844.

Decided June 14, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

McClymonds and Wells, for Applicant.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order authorizing Interstate Transit Company to issue 433 shares of its capital stock, of the aggregate par value of $43,300, for the purpose of paying organization and other expenses and of paying indebtedness and financing the cost of equipment.

The record shows that Interstate Transit Company is engaged in the transportation of passengers by auto stages between points in the State of California and points in the state of Oregon, but not locally between points within the State of California. It appears that operations were started about November 1, 1925, and that for the six months ending May 1, 1926, operating revenues aggregated $37,022, operating expenses $30,874, and net profit $6,148.

The assets and liabilities as of May 1, 1926, are reported as follows:

Equipment:	*Assets.*	
Three Studebaker busses	$19,149 62	
Three Fageol busses	65,975 02	
One Studebaker sedan	2,100 00	
Total equipment		$87,224 64
Inventories and deferred charges		4,668 53
Cash		5,580 68
Revolving fund		300 00
Funds receivable		4,942 25
Other current assets		1,000 00
Total assets		$103,716 10
	Liabilities.	
Advances for stock subscriptions		$19,600 00
Accounts payable		5,749 66
Salaries payable		610 62
Lease contracts payable		65,606 67
Reserve for depreciation		6,203 52
Surplus and undivided profits		5,945 63
Total liabilities		$103,716 10

The company does not conduct its operations under a certificate of public convenience and necessity obtained from the Railroad Commis-

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sion. It has heretofore been decided that this Commission is without the power to grant or deny authority for the exercise of interstate operating privileges. (See Decision No. 16408 and Decision No. 16431.) To remove all questions about the validity of the stock, applicant filed an application for permission to issue stock both with this Commission and with the Commissioner of Corporations.

The corporation has an authorized capital stock of $100,000, divided into 1000 shares of the par value of $100 each, all common. In making the present request, the company asks permission to issue the $43,300 of stock in the following manner:

(a) To issue three shares of its capital stock as fully paid up stock to its directors, that is to say, one share to each of its directors upon payment to applicant of the par value thereof;

(b) To issue to A. T. Shere 80 shares of its capital stock as fully paid stock in consideration of and in payment for his investigation of traffic conditions in and about the proposed territory served by applicant, and for the further consideration of the said A. T. Shere entering into a contract with this corporation to be employed as business manager, as hereinafter specified;

(c) To sell 350 shares of its capital stock as and when the corporation desires to sell the same at and for the par value, subject, however, to the payment of commissions and selling expenses of not exceeding 20 per cent of the par value thereof.

The record in this proceeding indicates that A. T. Shere, applicant's president, had been engaged in working on and investigating this project for a period of two years, that he made several trips between San Francisco and Oregon in doing so, that he secured terminal sites and made arrangements with connecting carriers and that he purchased and put into operation two cars before forming the applicant corporation. It clearly appears that Mr. Shere expended a considerable amount of money and devoted considerable time in organizing and developing the business now conducted by applicant, and in our opinion the issue of $8,000 of stock in payment for these services and advances incident to the organization and development of the business is not unreasonable.

Applicant proposes to sell the 350 shares at par for cash, and asks permission to expend, if necessary, an amount not exceeding 20 per cent of the par value in payment of commissions and other expenses incident to the sale and to use the remaining proceeds to pay indebtedness incurred in acquiring the equipment it now operates, to which reference is made in the foregoing balance sheet. The testimony shows that applicant has received subscriptions for $24,000 of stock.

In view of the fact that the order herein authorizes the issue of $8,000 of stock to cover organization and development expenses, we

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are of the opinion that applicant should not pay any commissions on the $24,000 stock subscriptions it now has, and that on the remainder of the stock ($11,000) the commissions and selling expenses should not exceed 10 per cent of the stock sold.

ORDER.

Interstate Transit Company having applied to the Railroad Commission for permission to issue $43,300 of stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the application should be granted as herein provided, and that the issue of the stock is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Interstate Transit Company be and it is hereby authorized to issue and sell, at par for cash, three shares of its capital stock to its directors and to use the proceeds for working capital or to pay outstanding indebtedness.

It is hereby further ordered, that Interstate Transit Company be and it is hereby authorized to issue 80 shares ($8,000 par value) of its capital stock in payment of organization and development expenses.

It is hereby further ordered, that Interstate Transit Company be and it is hereby authorized to issue and sell at not less than par for cash 350 shares ($35,000 par value) of its capital stock and to use not exceeding $1,100 to pay commissions and other expenses incident to the sale of said stock and to use the remaining proceeds and such portion of the $1,100 not needed for commissions and other expenses incident to the sale of stock to pay outstanding indebtedness and to finance the cost of equipment.

It is hereby further ordered, that applicant shall keep such record of the issue of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof, but that under such authority no stock may be issued after June 30, 1927.

Dated at San Francisco, California, this fourteenth day of June, 1926.

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DECISION No. 16909.

IN THE MATTER OF THE APPLICATION OF LAUREL CANYON LAND COMPANY FOR PERMISSION TO DISCONTINUE WATER SERVICE.

Application No. 12767.

Decided June 14, 1926.

SERVICE—WATER UTILITY—TO ABANDON.—Application granted.

J. E. Barker, for Applicant.
Leo M. Daly, for C. J. Milliron, Protestant.

BY THE COMMISSION.

OPINION.

Laurel Canyon Land Company, a corporation, is engaged among other things in the public utility business of furnishing water for domestic purposes to certain residents of Laurel Canyon and the immediate vicinity in the city of Los Angeles. The application in this proceeding alleges that the city of Los Angeles has annexed the territory in which this company is serving water and has extended its municipal water system throughout the entire district. The Commission is therefore requested to authorize applicant to discontinue its public utility water service.

A public hearing in this matter was held before Examiner Williams in Los Angeles, after all interested parties had been duly notified and given an opportunity to be present and be heard.

The evidence shows that this company has obtained a portion of its water supply from the municipal water system of the city of Los Angeles, which has now extended its water mains throughout the entire service area of this company. Approximately one-half of the consumers heretofore served by applicant are at present being served with water from the city system, and all those who are still receiving water from this company can be connected up with the municipal mains within ten days after making application for such service.

The loss of such a great number of consumers has resulted in making it impossible for applicant to continue operations except at such a serious financial sacrifice as to amount practically to confiscation of its property without due compensation. Although one consumer protested against the discontinuance of this utility service upon the ground that arrangements for his particular requirements could not be made upon terms as advantageous as heretofore enjoyed through applicant's system, yet the evidence shows that this consumer can obtain an adequate water supply at any time upon the same conditions as are offered by the municipal system to all other consumers. In view of the fact that the residents of this section of the city of Los Angeles have by vote elected to have the municipal water mains extended throughout the area, and said mains having been installed and now in operation

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and so located as to supply all of applicant's present consumers, who can no longer be served by this utility except at a financial loss, it appears that the authority to discontinue water service as requested should be granted.

ORDER.

Laurel Canyon Land Company, a corporation, having made application to this Commission for permission to discontinue water service to its consumers in and near Laurel Canyon, in the city of Los Angeles, a public hearing having been held thereon, the matter having been duly submitted, and the Commission being now fully informed in the matter;

It is hereby ordered, that Laurel Canyon Land Company, a corporation, be and the same is hereby authorized to discontinue on the thirtieth day of June, 1926, the service of water to all consumers in the territory heretofore served by it in and in the vicinity of Laurel Canyon, in the city of Los Angeles, and thereafter be relieved of all public utility obligations and liabilities in connection therewith, upon the following conditions and not otherwise:

1. That within ten days from the date of this order Laurel Canyon Land Company shall notify in writing each of the consumers, if any, now being served by it with water of its intention to discontinue the operation of its water system on June 30, 1926.

2. That Laurel Canyon Land Company shall file with this Commission, within twenty days from the date of this order, an affidavit setting forth the fact that each consumer, if any, now receiving water from its system was duly notified of its intention to discontinue the operation of the plant on June 30, 1926, or that all consumers heretofore served are receiving water from another source, as the case may be.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of June, 1926.

DECISION No. 16911.

IN THE MATTER OF THE APPLICATION OF STRATHMORE LAND COMPANY, A CORPORATION, FOR ORDER AUTHORIZING SALE OF WATER SYSTEM TO STRATHMORE PUBLIC UTILITY DISTRICT.

Application No. 12774.

Decided June 14, 1926.

TRANSFER—WATER UTILITY—TO SELL.—Application granted.

Leroy McCormick, for Applicant.

BY THE COMMISSION.

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OPINION.

In this proceeding Strathmore Land Company, a corporation, has applied to the Commission for authority to transfer its water system in the town of Strathmore, Tulare County, to Strathmore Public Utility District.

A public hearing was held in this matter before Examiner Satterwhite at Visalia, after due notice had been given so that all interested parties might appear and be heard.

The evidence shows that on January 26, 1926, the electors of the district voted to purchase the water system serving the town of Strathmore, and also voted a bond issue of $18,000 of which $10,000 covers the agreed purchase price of the system and $8,000 is provided for the installation of extensions of mains to areas not now served. The district has agreed to serve all the present consumers and will assume all the obligations to furnish water throughout the area now served by the Strathmore Land Company.

No one appeared to protest the granting of the application, and as all the present consumers and the entire service area of Strathmore Land Company system is to be served by the district, it is evident that public interest will best be served by granting the application.

ORDER.

Strathmore Land Company having made application as entitled above, a public hearing having been held thereon and the Commission being now fully informed in the matter;

It is hereby ordered, that Strathmore Land Company be and it is hereby authorized to sell and convey to Strathmore Public Utility District the water system supplying consumers in and in the vicinity of Strathmore, Tulare County, together with lands and other property, more particularly described as follows:

The northerly twenty-five (25) feet of lot 5; the easterly twenty-five (25) feet of the south half (S½) of lot 5, and the easterly twenty-five (25) feet of lot 6, all in block 3 of the said town of Strathmore, together with the pumping plant, tank, pipes and other improvements thereon.

Blocks K and L of the said town of Strathmore, excepting the easterly one hundred (100) feet of said blocks heretofore conveyed to the Southern Pacific Company, a corporation, and reserving and excepting for road purposes a strip forty (40) feet in width along the entire westerly side of said blocks K and L, and a strip sixty (60) feet in width lying parallel to and adjacent westerly of the one hundred (100) foot strip heretofore conveyed to the said Southern Pacific Company; together with the pumping plant, tower and tank, pipes and other improvements on the parcel hereby conveyed; and

The distributing system of the party of the first part, consisting of pipes laid in the town of Strathmore, or adjacent thereto, with all fittings and appurtenances thereto owned by the party of the first part.

The authorization herein granted is subject to the following conditions and not otherwise:

1. The authority herein granted shall apply only to such transfer as

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shall have been completed on or before October 31, 1926, and a certified copy of the final instrument of conveyance shall be filed with this Commission by Strathmore Land Company, a corporation, within thirty days from the date on which it is executed.

2. Within ten days from the date upon which Strathmore Land Company, a corporation, actually relinquishes control and possession of the property herein authorized to be transferred, it shall file with this Commission a certified statement indicating the date upon which such control and possession was relinquished.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of June, 1926.

DECISION No. 16944.

IN THE MATTER OF THE APPLICATION OF THE GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR (1) AUTHORITY TO ISSUE AND SELL STOCK AND BONDS, AND (2) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; AND OF GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR AUTHORITY TO PURCHASE AND ACQUIRE STOCK AND BONDS OF THE GOLDEN GATE FERRY COMPANY.

Application No. 12796.

Decided June 15, 1926.

SECURITIES—STOCK—BONDS—TO ISSUE.—Authority granted The Golden Gate Ferry Company to issue $1,000,000 of common stock and $700,000 of bonds. Application as it relates to $275,000 of bonds dismissed without prejudice.

McCutchen, Olney, Mannon and Greene, by *A. C. Greene* and *J. D. Adams*, for Applicant.

BY THE COMMISSION.

OPINION.

The Railroad Commission is asked to make an order:

1. Authorizing The Golden Gate Ferry Company (hereinafter sometimes referred to as the new company) to issue to Golden Gate Ferry Company (hereinafter sometimes referred to as the old company) $600,000 of Series "A" first mortgage 7 per cent bonds due June 1, 1941, and $999,000 par value of common stock in payment for the properties of the old company.

2. Authorizing The Golden Gate Ferry Company to issue and sell at 95 per cent of their face value and accrued interest, $375,000 of Series "A" first mortgage 7 per cent bonds due June 1, 1941, for the purpose of constructing a new ferryboat and/or refund obligations on account of the construction of said ferryboat.

3. Authorizing The Golden Gate Ferry Company to issue to each of

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ten persons (now or heretofore its directors) one share each of its capital stock.

4. Authorizing Golden Gate Ferry Company to purchase and acquire the stock and bonds of The Golden Gate Ferry Company.

5. Declaring that public convenience and necessity require and will require The Golden Gate Ferry Company to operate vessels as a public ferry between the city and county of San Francisco and the town of Sausalito.

The Golden Gate Ferry Company, the new company, was organized under the laws of California on or about April 15, 1926. The company has an authorized stock issue of $2,000,000 divided into 20,000 shares of $100 each.

Golden Gate Ferry Company, the old company, was organized under the laws of California during 1920 and is engaged in the operation of a public ferry between the city and county of San Francisco (foot of Hyde street) and the town of Sausalito. The old company has an authorized stock issue of $1,000,000, all of which is outstanding. The company as of March 31, 1926, reports no bonded indebtedness and no notes payable.

In its Exhibit I the old company reports the cost of its properties and equipment as follows:

Organization and franchises		$26,749 51
Line equipment		1,077,207 07
S. S. Golden City	$217,612 29	
M. S. Golden Gate	370,127 32	
M. S. Golden West	360,483 82	
S. S. Harry Speas	128,983 64	
Wharves, docks and terminals		243,164 20
Wharf equipment		11,969 48
Water front and terminal grounds		69,941 55
General and local office buildings		22,896 30
Office furniture and equipment		9,815 94
Miscellaneous		31,935 82
Total property and equipment (exclusive of M. S. Golden State)		$1,493,679 87

It is reported that the $1,493,679.87 is the cost as reported in the Commission's Exhibit No. 2 in Case No. 2221. The books of the company show the cost of the same properties to be $1,497,501.97.

Other assets of the old company and its liabilities as of March 31, 1926, are reported as follows:

Cash on hand and in bank	$15,267 92
Mt. Tamalpais and Ridgecrest highway	1,000 00
Insurance claims receivable	8,544 75
Accounts receivable	5,568 09
Materials and supplies	7,782 39
Prepaid rents	85 00
Unexpired insurance	18,903 68
Prepaid taxes	1,770 33
Suspense	13,492 08
Temporary advance payments on M. S. Golden State (to be refunded)	145,367 35
Total other assets	$217,780 67

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Less current liabilities—		
Working and accrued liabilities	$67,573 43	
Accrued taxes	27,867 71	
Rents prepaid	80 00	
Total liabilities		$95,521 14
Net other assets over liabilities		$122,260 45

The liabilities of the old company will be assumed by the new company.

For the purpose of this proceeding we will use the cost ($1,497,501.97) of the properties, as shown by the old company's books. Adding to the $1,497,501.97 the net ($122,260.45) cost of other assets, makes a total of $1,619,762.42.

The old company has under construction a new boat, the *M. S. Golden State*. The cost of this boat is estimated at $359,845.06, segregated as follows:

Hull and superstructure	$175,500 00
Engines	86,500 00
Electrical equipment plus freight	52,549 06
Machinery	24,996 00
Extras for furniture and fixtures	10,000 00
Interest during construction	10,050 00
Total	$359,845 06

Applicant's Exhibit I shows that as of March 31, 1926, the sum of $145,367.35 had been expended on the new boat. The $145,367.35 was taken into consideration in determining the old company's net other assets. Deducting the $145,367,35 from the total estimated cost of $359,845.06 leaves a balance of $214,477.71 to be expended for the new boat after March 31, 1926. Adding the $214,477.71 to the $1,619,762.42, total cost as of March 31, 1926, makes total of $1,834,240.13. To acquire assets costing $1,834,240.13 the new company proposes to issue $999,000 of stock and $975,000 of bonds, or a total stock and bonds of $1,974,000.

The financial statement of the old company shows that as of March 31, 1926, it had a reserve for accrued depreciation of $233,514.97. The moneys which such reserve represents have been invested in its properties and business, and go to make up the total of $1,834,240.13 referred to above. Obviously, the properties of the old company are not all new. The obligation to replace such properties will be assumed by the new company and must eventually be financed by the new company. We therefore believe that $233,514.97, said to represent the accrued depreciation on the properties, should be deducted from the $1,834,240.13. Making this deduction results in a net figure of $1,600,725.16.

The new company has filed with the Commission a copy of its proposed mortgage or deed of trust. This mortgage is to be executed to

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secure the payment of an authorized bond issue of $5,000,000. It provides that the bonds may be issued in series from time to time as the board of directors of the company shall determine. Each series of bonds shall be distinguished from every other series thereof by appropriate designation on the face thereof, selected by the board of directors. All bonds of the same series shall be in the same form, except the variation necessary to express their numbers and denominations. The bonds of any series may, if the board of directors shall so determine upon authorizing the original issuance of such series, differ from the bonds of any other series in respect to date, maturity, rate of interest, and terms of redemption (if any) and also in such other respects as the board of directors of the company may prescribe, subject only to the restrictions and conditions contained in the trust indenture. The mortgage provides for a series of bonds to be known as Series "A," which series is to be of the aggregate principal amount of $975,000. Series "A" bonds are to be dated June 1, 1926, and mature June 1, 1941, and shall bear interest at the rate of 7 per cent per annum payable semiannually on the first of June and December of each year.

Series "A" bonds may at the option of the company be redeemed on any interest payment date upon the payment of the principal thereof and interest to the date of redemption, together with a premium equal to one-half of one per cent for each year or fraction of year the particular bonds so redeemed shall then have still to run, such premium not exceeding, however, 5 per cent upon the principal thereof.

It is proposed to use $600,000 of the Series "A" bonds to acquire the properties of the old company and $375,000 to finance the acquisition of the new ferryboat.

The proposed trust indenture obligates the company to pay to the trustee semiannually on or before the first days of June and December of each year commencing June 1, 1928, and continuing so long as any bonds of Series "A" shall be outstanding, $58,500 for (a) the payment of the installment of interest on such bonds then due and payable, and (b) the remainder thereof as and for a sinking fund payment, to redeem bonds. If further bonds are issued, the semiannual payment must be increased proportionately. It is expected that the semiannual payment will be sufficient to redeem the bonds on or before their maturity.

The proposed trust indenture further provides that in the event applicants are permitted to operate an automobile ferry between the city and county of San Francisco and the city of Berkeley, $1,700,000 of additional bonds may be issued to construct piers and acquire additional ferryboats. The remainder of the authorized bond issue, to wit, $2,325,000, may from time to time be certified by the trustee to an

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amount not exceeding 60 per cent of the reasonable cost of purchasing, constructing or acquiring additional ferryboats and other betterments and improvements in respect to which the company proposes to issue such bonds, provided that the net earnings of the company for twelve consecutive months within the last fourteen calendar months preceding such delivery of bonds shall have amounted to at least three times the aggregate of the semiannual service charge, the service charge being the semiannual payment that the company must make to the trustee for the purpose of paying interest and redeeming bonds.

The proposed mortgage contains several insurance covenants which, according to the record, obligate the new company to pay annual insurance premiums of about $45,000, as compared with annual insurance premiums of approximately $35,000 now paid by the old company.

The old company in reports filed with the Railroad Commission submits its operating revenues and operating expenses as follows:

Item	*1924*	*1925*
Operating revenues	$763,582 00	$793,937 00
Operating expenses:		
Maintenance	44,630 00	49,387 00
Traffic	8,783 00	10,852 00
Transportation	195,205 00	262,445 00
General	191,710 00	108,087 00
Depreciation	58,572 00	77,925 00
Total	$498,900 00	$508,696 00
Operating income	$264,682 00	$285,240 00
Taxes	38,131 00	42,505 00
Balance	$226,551 00	$242,735 00

In view of the reported cost of the properties of the old company, the cost of the new boat, the accrued depreciation on the properties of the old company, the earnings of such company and the sinking fund and insurance provisions of the proposed mortgage of the new company, we are of the opinion that the new company should be permitted to issue at not less than par $999,000 of stock and $700,000 of Series "A" first mortgage 7 per cent bonds due June 1, 1941, to acquire the properties of the old company and finance the construction of the new boat, *M. S. Golden State.* Of the bonds, $360,000 may be used to finance the construction of the new boat and $340,000 to pay in part for the properties of the old company.

The proposed mortgage or deed of trust filed in this proceeding on May 29, 1926, should be modified in several respects. The amount of Series "A" bonds to be delivered in part payment for the properties of the old company should be reduced from $600,000 to $340,000 and the amount of bonds to finance the construction of the new boat, *M. S. Golden State,* should be reduced from $375,000 to $360,000. The

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remainder of the Series "A" bonds, to wit, $275,000, may be issued in amounts equal to the actual cost or reasonable value (whichever may be less) of property acquired or constructed subsequent to the execution of the mortgage.

The provisions relating to the issue of $1,700,000 of bonds to finance the installation of a public ferry service between San Francisco and Berkeley should be eliminated and that portion of section 23, article 2, reading, "No additional bonds (other than proposed Berkeley ferry bonds) shall be issued exceeding in aggregate principal amount sixty (60) per cent," changed so as to read:

"No additional bonds (other than Series "A" bonds limited to $975,000) shall be issued exceeding in aggregate principal amount fifty (50) per cent," etc.

While the Commission is asked to make an order authorizing the old company to acquire stocks and bonds of the new company, it is of record that as soon as practical the old company will be dissolved and its assets distributed. It is expected when such distribution takes place, substantially all of the stocks and bonds which it acquires in payment for its properties will become the property of a holding company. There is filed in this proceeding a copy of what is known as the Stockholders Expansion Plan and Agreement. This agreement shows that:

Stockholders of Golden Gate Ferry Company who become parties to the plan will turn in their Golden Gate Ferry Company stock and receive in exchange therefor either:

(a) Six (6) shares of 8 per cent preferred stock of the Golden Gate Holding Company, participating to an additional 2 per cent, aggregating $150 in par value, for each share of Golden Gate Ferry Company stock deposited by them; or

(b) $125 in cash and five (5) shares of common stock of Golden Gate Holding Company, aggregating $125 in par value, for each share of Golden Gate Ferry Company stock deposited by them.

It should be definitely understood that the Railroad Commission has no control over the offer of the holding company, and no jurisdiction over the issue of its stocks and bonds. We will look to the new company for the maintenance of an adequate ferry service, and believe that such company should be financed on a basis so that its securities may find a ready market. It should not be financed with a view of assisting in the financing of its stockholders, be they a holding company or individuals.

The matter of a certificate of public convenience and necessity for the new company, as well as authorizing the new company to execute a mortgage or deed of trust, will be taken care of by a supplemental order or orders in this proceeding.

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ORDER.

The Golden Gate Ferry Company having applied to the Railroad Commission for permission to issue $1,000,000 of common stock and $975,000 of bonds to acquire the properties of Golden Gate Ferry Company and finance the construction of an additional boat, and Golden Gate Ferry Company having applied to the Railroad Commission for permission to acquire stock and bonds of The Golden Gate Ferry Company, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that The Golden Gate Ferry Company should be permitted to issue not exceeding $1,000,000 of its common stock and not exceeding $700,000 of its Series "A" first mortgage 7 per cent bonds due June 1, 1941, for the purposes herein stated, and that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by said company and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application in so far as it involves the issue of $275,000 of bonds should be dismissed without prejudice;

It is hereby ordered, as follows:

1. The Golden Gate Ferry Company may issue and sell on or before October 1, 1926, at not less than par, ten shares ($1,000 par value) of its common stock for the purpose of qualifying its directors and shall use the proceeds obtained from the sale of such stock for working capital.

2. The Golden Gate Ferry Company may issue, deliver and/or sell on or before October 1, 1926, at not less than par, not exceeding $999,000 of its common stock and not exceeding $700,000 of its Series "A" first mortgage 7 per cent bonds due June 1, 1941, for the purpose of paying for and acquiring all of the properties of Golden Gate Ferry Company, free and clear of all encumbrances, and finance the acquisition and construction of the new ferryboat, *M. S. Golden State,* provided that of said bonds, $360,000 shall be used to acquire and construct said ferryboat, and $340,000 to pay in part for the properties of Golden Gate Ferry Company.

3. Golden Gate Ferry Company may acquire and hold the stock of The Golden Gate Ferry Company herein authorized to be issued in part payment for its properties.

4. The authority herein granted to issue bonds will not become effective until The Golden Gate Ferry Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $700, nor until the Commission has authorized The Golden Gate Ferry Company to execute a mortgage or deed of trust to secure the payment of said bonds. The authority herein granted to issue stock will become effective upon the date hereof.

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5. The Golden Gate Ferry Company shall keep such record of the issue, sale and delivery of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

6. This application, in so far as it involves the issue of $275,000 of bonds, is hereby dismissed without prejudice.

Dated at San Francisco, California, this fifteenth day of June, 1926.

DECISION No. 16949.

IN THE MATTER OF THE APPLICATION OF T. C. GILLESPIE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AN AUTOMOBILE PASSENGER AND EXPRESS SERVICE BETWEEN UNIVERSAL CITY AND CULVER CITY.

Application No. 12610.

Decided June 17, 1926.

CERTIFICATE—AUTO STAGE.—Certificate granted.

Richard T. Eddy, for Applicant.
R. E. Wedekind, *O. A. Smith* and *H. O. Mahler*, for Pacific Electric Railway Company and Los Angeles Motorbus Company, Protestants.
Carl Bush, for Hollywood Chamber of Commerce.
T. A. Woods, for American Railway Express Company, Protestant.
L. J. Durfey, for West Hollywood Chamber of Commerce.
Gibson, Dunn and Crutcher, by *Paul R. Watkins*, for Los Angeles Railway Corporation, Protestant.
H. G. King, City Attorney, for city of Culver City.
John J. Dillon, for Hollywood-Redondo Boulevard Association.

BY THE COMMISSION.

OPINION.

T. C. Gillespie, by his amended application, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers and express between Universal City and Culver City and intermediate points.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, the matter was duly submitted following the filing of briefs and is now ready for decision.

Applicant proposes to operate on a schedule of sixteen round trips daily, except Sundays and holidays, with such additional trips as the demands of traffic may require; to charge rates in accordance with a schedule marked "Exhibit A" as attached to and forming a part of the application herein, and to use as equipment three White busses, each of thirty-passenger capacity.

Applicant relies as justification for the granting of the desired certificate on the following alleged facts: that requests have been made

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for the establishment of the proposed service by motion picture studios located at Hollywood, Universal City and Culver City; that in addition to the need for direct transportation between the above mentioned communities for employees of the studios there is a demand for transportation by the general public; that the proposed service will greatly reduce the time now required to travel by public transportation between the communities proposed to be served; and that there is a demand and necessity for the transportation of express matter over the route herein proposed.

Applicant further proposes, if the desired certificate be granted, to purchase and acquire the route and business of the Hollywood-Universal City Stage Line, the certificate for which was originally granted by this Commission's Decision No. 8250 on Application No. 6165.

The territory in which this operation is conducted is now entirely within the municipality of the city of Los Angeles by reason of annexation effective on February 4, 1924. The operation of the Hollywood-Universal City stage line was originally authorized with the Hollywood terminus at Vine street and Hollywood boulevard. Applicant proposes to route its stages via Cahuenga avenue instead of Vine street.

D. D. Bush, manager for applicant, testified that the solicitation of the studio managements was the basis for the investigation made on behalf of applicant, resulting in the filing of the application, and that said investigation had disclosed a demand for the proposed service. This witness also testified as to the route proposed to be followed and as to the ability of applicant to satisfactorily furnish the required service and to meet peak load demands when required by studios at either terminus.

Edw. Hayes, secretary of the Hollywood-Redondo Boulevard Association, testified that his association was formed for the purpose of fostering the construction of a paved highway and that the association had endeavored to secure the establishment of bus service from the Los Angeles Railway Corporation or the Pacific Electric Railway Company, but that such efforts had been unsuccessful, the association being advised that the companies did not consider the establishment of the service justified at the time the requests were made.

Campbell McCullough, assistant to the general manager of Metro-Goldwyn-Meyer Studios at Culver City, testified that after consultation with the officials of two other studios at Culver City he had requested applicant to consider the furnishing of service from Hollywood to Culver City; that there were approximately 800 regular employees in the three studios at Culver City, and that under his direction a questionnaire had been circulated among the regular employees of the three Culver City studios to ascertain the number of such employees residing

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in Hollywood that would use the proposed bus line if established. The result of this inquiry was as follows:

Studio	Number of employees residing at Hollywood who would use bus line
Metro-Goldwyn-Meyer	62
Cecil B. De Mille	77
Hal Roach	33
Total	172

The witness expressed the earnest desire of his company for the establishment of the proposed service for the transportation of extra employees used in productions between 35,000 and 40,000, such extras having been used during the past year and the production program for the next year calling for approximately 12 per cent increase in production. Much complaint has been received from extra people regarding the transportation now available between Hollywood and Culver City.

L. Corder, assistant casting director of Metro-Goldwyn-Meyer Studios, located at Culver City, testified that 85 to 90 per cent of the extra people employed by him at the studio resided in or near Hollywood and would be served by the establishment of the proposed line.

O. C. Wyman, general manager of the Central Casting Corporation of Hollywood, testified that his corporation was organized for the purpose of supplying the studios with such extra people that might be necessary in connection with production of motion pictures; that in his opinion 90 per cent of the extra people resided in the Hollywood district; that 21,700 extra people were furnished by his organization to the three studios at Culver City during the first three months of its existence and that he estimated 90,000 placements during the year.

R. M. Donaldson, assistant production manager for the Cecil B. De Mille Studio at Culver City, testified that his studio used extra people daily, the best extras being procured from Hollywood and from 65 to 75 per cent of the extras used by him being recruited from that point; also that the time consumed by present available transportation between Hollywood and Culver City was from one hour and thirty minutes to one hour and fifty minutes, according to connections which were made.

Major J. Carl Schindler, secretary-manager of the Culver City Board of Trade, testified that he had made an investigation of the needs of the communities for transportation, the studios in Culver City having requested that transportation be improved between Culver City and Hollywood. From his investigation he endorsed the proposal of applicant.

Four witnesses, residing at Culver City, testified that they required transportation to Hollywood and would patronize the service of appli-

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cant, if established, by reason of the saving of time afforded by direct transportation.

Three witnesses, who would be served by the intermediate service proposed by applicant, testified as to the transportation needs in their respective districts and the inconvenience of existing available transportation.

The granting of the application is favored by the board of trustees of the city of Culver City as evidenced by a resolution (No. 991) adopted by such board under date of May 10, 1926, and filed at the hearing.

The granting of the application is protested by Pacific Electric Railway Company, Los Angeles Railway Corporation and the American Railway Express Company.

No evidence was presented on behalf of protestants, Pacific Electric Railway Company and American Railway Express Company.

H. G. Weeks, assistant to the general manager of protestant Los Angeles Railway Corporation, testified that his company protested the proposed service only in so far as it proposed competition between Cahuenga and Hollywood boulevard in Hollywood, and Wilshire and Pruess road in Beverly Hills. This protestant is a half owner in the Los Angeles Motor Bus Company and it is the opinion of this witness that adequate transportation service is afforded prospective patrons in the protested territory by the motor busses of the Los Angeles Motor Bus Company and the cars of the Los Angeles Railway Corporation or the Pacific Electric Railway Company.

We have given careful consideration to the evidence and exhibits in this proceeding. While it appears that the Commission by its Decision No. 12198 on Application No. 8845, dated June 12, 1923, granted a certificate for operation between Hollywood and Culver City, and such operation was abandoned some two years ago, the present conditions as shown by the evidence herein amply justify the through service between Universal City and Culver City as herein proposed. Paved roads are now available on the route selected by applicant as against the unpaved roads formerly existing on the route previously covered by certificate, and conditions in the motion picture industry have materially changed. Due to the establishment of the Central Casting Corporation at Hollywood the studios at Culver City are now required to depend almost entirely for their supply of extra people used in productions upon the facilities of this corporation, which was established by the various studios as a central clearing house for the supply of extra performers and was located at Hollywood for the reason that the majority of studios are located in or closely adjacent to that community. The three Culver City studios, although large and important in the picture producing industry, are placed at a disadvantage in the securing of extra people, due to the length of time required to go to

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and from Hollywood and the Culver City studios, and the inconvenience of transfers and time lost in making connections.

The schedule proposed by applicant provides a thirty-minute trip between Hollywood and Culver City as against estimated time of from one hour to as high as one hour and fifty minutes by present available public transportation, the varying time being dependent upon connections which are made by passengers. The testimony of the witnesses from the motion picture industry as to the necessity for the prompt transportation of extras and as to the expense incurred by reason of delayed arrivals at the studios is convincing as to the need for more adequate service, which the applicant proposes to provide by through and direct busses. The regular employees of the studios, some 172 in number, who reside in Hollywood will also be able to avail themselves of the through service. There was no evidence protesting the granting of the through passenger service, and the order herein will provide for its establishment.

We have also carefully considered the evidence, exhibits and briefs of counsel regarding the intermediate service proposed. It appears true that the direct service for passengers traveling between intermediate points in Hollywood and Beverly Hills will furnish potential competition with the indirect service available by the busses of the Los Angeles Railway Corporation, the Los Angeles Motor Bus Company and the cars of the Pacific Electric Railway Company and Los Angeles Railway Corporation, but the service of protestants require changes and transfers with the accompanying delays if connections are not immediately available at transfer points. Some of the intermediate territory proposed to be served by applicant is not served by the protestants, even with the necessity for transfer. The proposed fare of applicant in the territory in which protest exists is 16 cents against protestants' combination fare of 15 cents, but the benefit of direct service is offered which obviates the necessity for transfer and its accompanying delay. We are not unmindful of the evidence regarding the efforts heretofore made to have service extended by protestants to care for the needs of patrons in the contested district which applicant now proposes to serve locally in connection with its through service between Universal City and Culver City, via Hollywood. Action on requests for the establishment of service or extensions has been deferred until the territory is proposed to be cared for by a responsible applicant and the protest as now made does not offer any relief to the portion of the community desiring to use the line of applicant for local service.

We are of the opinion that the extension of service by established carriers should keep pace with the reasonable requirements of a developing community and that the residents of such communities should not be deprived of proffered service when same is available by the proposal

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of a responsible applicant. For this reason we conclude and find as a fact that the local service as proposed by applicant between Cahuenga and Hollywood boulevards in Hollywood and Wilshire boulevard and Pruess road in Beverly Hills should be herein authorized and the order will so provide.

No evidence having been presented justifying the authority sought for the transportation of express, this portion of the application will be denied.

ORDER.

A public hearing having been held in the above entitled application, the matter having been duly submitted following the filing of briefs, the Commission being now fully advised and basing its order on the statements, conclusions and findings of fact as appearing in the opinion which precedes this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by T. C. Gillespie of an automobile stage line as a common carrier of passengers only between Universal City and Culver City, via Hollywood, over the following route:

From Universal City southerly via Lankershim boulevard and Cahuenga avenue to the intersection of Cahuenga avenue and Sunset boulevard; thence westerly along Sunset boulevard to Highland avenue; thence southerly along Highland avenue to Melrose avenue; thence westerly along Melrose avenue to Fairfax avenue; thence southerly along Fairfax avenue to Wilshire boulevard; thence westerly along Wilshire boulevard to Pruess road; thence southerly and southwesterly along Pruess road to National boulevard; thence southeasterly along National boulevard to Washington boulevard; thence southwesterly along Washington boulevard to a terminal at the entrance to the Metro-Goldwyn-Meyer studio at Culver City.

It is hereby ordered, that a certificate of public convenience and necessity be and the same hereby is granted to T. C. Gillespie for the operation of an automobile stage line as a common carrier of passengers between Universal City and Culver City, via Hollywood, over the route as herein specifically set forth in the foregoing declaration, and subject to the following conditions:

1. Applicant herein shall file with the Railroad Commission his written acceptance of the certificate herein granted within a period of not to exceed ten days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

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3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

No authority is hereby conveyed for the carriage of baggage (except hand baggage in the custody of passengers), parcels, express or other property.

For all purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty days from the date hereof.

Dated at San Francisco, California, this seventeenth day of June, 1926.

DECISION No. 16950.

IN THE MATTER OF THE APPLICATION OF CORONA AND SANTA FE RAILWAY COMPANY, A CORPORATION, AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION, FOR AUTHORITY TO LEASE THE LINE OF RAILROAD AND APPURTENANCES OF THE FORMER COMPANY, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND FRANCHISES THERETO PERTAINING TO THE LATTER COMPANY.

Application No. 12816.

IN THE MATTER OF THE APPLICATION OF CORONA AND SANTA FE RAILWAY COMPANY, A CORPORATION (HEREINAFTER CALLED "APPLICANT"), FOR AUTHORITY TO ISSUE STOCK UNDER THE PROVISIONS OF SECTION 52 OF THE PUBLIC UTILITIES ACT OF THE STATE OF CALIFORNIA.

Application No. 12817.

Decided June 17, 1926.

TRANSFER—STEAM RAILROAD—TO LEASE—STOCK—TO ISSUE.—Corona and Santa Fe Railway Company authorized to lease its line of railroad to The Atchison, Topeka and Santa Fe Railway Company, and to issue $49,500 par value of its capital stock to The Atchison, Topeka and Santa Fe Railway Company, which is authorized to acquire and hold same.

Platt Kent, for Applicant.

BY THE COMMISSION.

OPINION.

In Application No. 12817 the Corona and Santa Fe Railway Company asks permission to issue and sell at par 495 shares ($49,500) of its common capital stock to The Atchison, Topeka and Santa Fe Railway Company and issue and sell five shares ($500 par value) to the directors of applicant. Reference will hereafter be made to the purposes for which the company desires to expend the proceeds.

In Application No. 12816 the Corona and Santa Fe Railway Company asks permission to lease its line of railroad, which it intends to construct, to The Atchison, Topeka and Santa Fe Railway Company. A copy of the proposed lease is filed in Application No. 12816 as applicants' Exhibit "B."

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At the hearing had before Examiner Fankhauser the two applications were consolidated for hearing and decision.

The Corona and Santa Fe Railway Company was organized on or about February 15, 1926, with an authorized capital stock issue of $50,000. The company desires to use the proceeds obtained from the sale of the $50,000 of stock to pay in part the cost of constructing a line of railroad from a point approximately one mile northwest of Alberhill, Riverside County, California, said point being the end of the existing tracks of The Atchison, Topeka and Santa Fe Railway Company; thence running in a northwesterly direction through a part of Riverside County, California, to a point approximately three quarters (0.75) of a mile south of Porphyry, Riverside County, California, said point being also the end of the existing tracks of The Atchison, Topeka and Santa Fe Railway Company, a total distance of about 14.6 miles more or less.

The cost of the proposed line of railroad is estimated at $981.704. This estimated cost is segregated by applicant as follows:

Engineering	$35,453 00
Right of way	92,840 00
Grading	328,700 00
Bridges, trestles and culverts	137,425 00
Ties	96,356 00
Rails	64,227 00
Other track material	46,061 00
Tracklaying and surfacing	59,226 00
Right of way fence—29.21 miles	17,500 00
Crossings and signs	9,000 00
Station and office buildings	8,000 00
Roadway buildings	14,000 00
Telegraph and telephone lines	13,000 00
Interest during construction	13,827 00
Contingencies and incidentals	46,089 00
Total	$981,704 00

The proposed line of railroad will connect with The Atchison, Topeka and Santa Fe Railway Company at its terminus about three miles from Corona and about one mile from Alberhill. It will serve a new territory between Corona and Alberhill and furnish better transportation facilities from Alberhill. A heavy tonnage of clay and clay products moves from Alberhill to Los Angeles. It will shorten the distance between Los Angeles and points south of Alberhill on the Elsinore and Temecula branches of the Santa Fe about thirty-three miles. At the present time shipments originating at Alberhill, Elsinore and Temecula and destined for Los Angeles move either via Highgrove and Riverside to Los Angeles or via San Bernardino to Los Angeles.

It is of record that the Temescal Water Company has requested The Atchison, Topeka and Santa Fe Railway Company to either abandon its line between Elsinore and Perris, which passes through San Jacinto

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Canyon, or to relocate the same so that the water company can construct a dam and create a storage reservoir. It is believed that the storage of water in San Jacinto Canyon will make it possible to irrigate several thousand acres of additional lands as well as assure to the owners of present irrigated lands a more adequate and abundant water supply. If the proposed line of railroad is constructed it is the intention of The Atchison, Topeka and Santa Fe Railway Company to abandon its line of railroad extending from Elsinore to Perris and thus make it possible for the Temescal Water Company to proceed with the construction of its dam and storage reservoir.

It is estimated that the net savings due to the construction of the proposed line of railroad and the shorter and quicker haul between Los Angeles and Alberhill and points south thereof will amount to $50,000 per annum.

It is of record that the moneys necessary to construct the new line of railroad will be advanced by The Atchison, Topeka and Santa Fe Railway Company. In exchange and satisfaction of $49,500 of such advances the Santa Fe will accept at par $49,500 of stock of the Corona and Santa Fe Railway Company. Testimony shows that work on the new line of railroad will be started as soon as the necessary permits have been obtained from state and federal authorities, and that the work can be completed within approximately nine months after the starting of actual construction.

In Application No. 12816 the Corona and Santa Fe Railway Company asks permission to lease its line of railroad, when constructed, to The Atchison, Topeka and Santa Fe Railway Company. A copy of the lease has been filed in that proceeding as applicants' Exhibit "B." The lease is of a form usually executed between the Santa Fe and its subsidiary or controlled corporations. Under the terms of the lease the Santa Fe will take complete charge of the operation and maintenance of the properties of the Corona and Santa Fe Railway Company.

ORDER.

Corona and Santa Fe Railway Company having applied to the Railroad Commission for permission to issue $50,000 of stock and lease its properties to The Atchison, Topeka and Santa Fe Railway Company, a public hearing having been held, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that these applications should be granted as herein provided; therefore,

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It is hereby ordered, as follows:

1. Corona and Santa Fe Railway Company may issue and sell on or before January 1, 1927, five shares ($500 par value) of its common capital stock for the purpose of qualifying its directors and may issue 495 shares ($49,500 par value) of its capital stock to The Atchison, Topeka and Santa Fe Railway Company, which company is hereby permitted to acquire and hold said stock.

2. Corona and Santa Fe Railway Company shall use the proceeds obtained from the sale of the stock herein authorized to be issued to pay in part for the cost of constructing the line of railroad described in Exhibits "A," "B" and "C" in Application No. 12817; and

3. Corona and Santa Fe Railway Company and The Atchison, Topeka and Santa Fe Railway Company may execute a lease substantially in the same form as the lease filed as Exhibit "B" in Application No. 12816.

4. The authority herein granted to issue stock and execute a lease will become effective upon the date hereof.

5. Corona and Santa Fe Railway Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this seventeenth day of June, 1926.

DECISION No. 16951.

H. G. PRINCE AND COMPANY; HUNT BROTHERS PACKING COMPANY
vs.
SOUTHERN PACIFIC COMPANY.

Case No. 2028.

Decided June 17, 1926.

RATES—STEAM RAILROAD—REPARATION—CANNED GOODS.—Southern Pacific Company directed to refund to California Packing Corporation, intervener, reparation in the amount of charges collected in excess of five cents per 100 pounds for the transportation of canned goods from San Leandro and Lorenzo to Oakland during the period July 30, 1922, to July 30, 1924.

BY THE COMMISSION.

SUPPLEMENTAL OPINION AND ORDER.

The Commission by Decision No. 15923, rendered February 3, 1926, and reaffirmed by Decision No. 16722, dated May 12, 1926, in the above entitled proceeding, found that the rate of 7 cents per 100 pounds

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assessed by defendant for the transportation of canned goods, in carloads, from Hayward and San Leandro to Oakland, moving during the period from July 30, 1922, to July 30, 1924, was unreasonable to the extent it exceeded a rate of 5 cents per 100 pounds, and by order directed the defendant, Southern Pacific Company, to establish on or before May 17, 1926, and thereafter to maintain and apply to the transportation of canned goods from Hayward to Oakland a rate of 5 cents per 100 pounds, and to refund with interest to complainant, H. G. Prince and Company, all charges it may have collected which exceeded the rate found reasonable for the transportation of canned goods from San Leandro and Hayward to Oakland.

The California Packing Corporation, operating canneries at San Leandro and Lorenzo, filed a petition in intervention in support of complainants and also alleged that the applicable rate from San Leandro and Lorenzo was unreasonable, these two points being intermediate to Hayward in the movement to Oakland. The petition in intervention requested a rate for the future and reparation on shipments alleged to have been made from San Leandro and Lorenzo to Oakland. Through an apparent misunderstanding intervener was not represented at the hearing and presented no proof of having made the shipments as alleged, hence the Commission made no finding with respect to its allegations.

Under date of May 18, 1926, intervener filed a petition requesting a rehearing in the above entitled proceeding for the purpose of furnishing proof of shipments from San Leandro and Lorenzo to Oakland as alleged; that it paid and bore the freight charges thereon and is entitled to reparation in the sum of the difference between the charges paid and those that would have accrued at the rate of 5 cents per 100 pounds from Hayward and San Leandro to Oakland found reasonable by the Commission.

Defendant, Southern Pacific Company, under date of June 3, 1926, signified a willingness to make a reparation adjustment on the basis of the rate found reasonable by the Commission upon suitable proof being furnished that intervener made the shipments of canned goods as claimed and paid and bore the freight charges thereon.

Therefore, under the issues as they now stand a formal hearing will not be necessary.

Upon further consideration of our decision in the above entitled proceeding and of intervener's petition for rehearing we are of the opinion and find that defendant, Southern Pacific Company, should be authorized to refund to intervener, California Packing Corporation, all charges it may have collected for the transportation of canned goods in carloads, from San Leandro and Lorenzo to Oakland involved in this proceeding which exceeded the charges that would have accrued

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at a rate of 5 cents per 100 pounds provided that this reparation award shall cover only shipments coming within the jurisdiction of this Commission and within the purview of section 71 (*a*) of the Public Utilities Act.

Dated at San Francisco, California this seventeenth day of June, 1926.

DECISION No. 16954.

IN THE MATTER OF THE APPLICATION OF SAN JOSE WATER WORKS, A CORPORATION, FOR AN ORDER (1) AUTHORIZING APPLICANT TO MAKE A MORTGAGE OR DEED OF TRUST IN THE PRINCIPAL AMOUNT OF FIVE MILLION DOLLARS AND (2) AUTHORIZING APPLICANT TO ISSUE AND SELL TWENTY-FIVE YEAR FIVE PER CENT FIRST MORTGAGE GOLD BONDS, SECURED BY SUCH MORTGAGE OR DEED OF TRUST, IN THE PRINCIPAL AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS.

Application No. 12846.

Decided June 17, 1926.

SECURITIES—WATER UTILITY—BONDS—TO ISSUE.—San Jose Water Works authorized to execute mortgage or deed of trust, and to issue and sell at not less than 97 per cent of face value, plus accrued interest, $500,000 of first mortgage 25-year five per cent bonds, and use proceeds thereof other than accrued interest to redeem in part outstanding notes.

Leib and Leib and *McCutchen, Olney, Mannon and Greene*, by *Allan P. Matthew* and *J. D. Adams*, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing San Jose Water Works, a corporation, to execute a mortgage or deed of trust for the purpose of securing the payment of a bonded indebtedness in the aggregate principal amount of $5,000,000 and to issue and sell, at this time, $500,000 of first mortgage twenty-five-year 5 per cent bonds, to be secured by such mortgage or deed of trust, for the purpose of paying and discharging outstanding promissory notes.

The record shows that San Jose Water Works is engaged as a public utility in the business of supplying water in and about San Jose, Los Gatos and Saratoga, in Santa Clara County. It reports its assets and liabilities, as of April 30, 1926, as follows:

Assets.

Fixed capital	$3,978,591 14
Cash and deposits	32,173 39
Accounts receivable	42,340 49
Materials and supplies	63,918 39
Prepayments	813 37
Suspense and other debits	38,668 44
Total assets	$4,156,505 22

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Liabilities.

Capital stock (common)	$3,000,000 00
Premium on capital stock	72,560 00
Notes payable	625,000 00
Accounts payable	1,013 86
Consumers' advances for construction	34,998 60
Service billed in advance	234 15
Reserve for depreciation	385,412 13
Other reserves	3,500 00
Other credits	5,672 01
Corporate surplus	28,114 47
Total liabilities	$4,156,505 22

By Decision No. 14213, dated October 28, 1924, in Application No. 9579, the Commission adjusted applicant's rate schedule, using as a tentative rate base for the properties, as of December 31, 1923, the sum of $3,134,395. Since December 31, 1923, and up to December 31, 1925, the company's net expenditures for extensions, additions and betterments, according to its 1924 and 1925 annual reports filed with the Commission, have aggregated $708,453.

The company at present has no authorized bonded indebtedness, its outstanding debts, as shown in the foregoing tabulations, consisting of $625,000 of notes payable and $1,013.86 of accounts payable. Of the notes $500,000 (Exhibit 2) were issued under authority granted by the Commission by Decision No. 14429, dated January 5, 1925, and Decision No. 15840, dated January 13, 1926, for the purpose of financing, in part, the cost of extensions, additions and betterments to applicant's plants and properties made prior to December 1, 1925.

In now proposing to create a bonded indebtedness, applicant proposes to issue and sell, at this time, at not less than 95 per cent of face value, $500,000 of first mortgage twenty-five year 5 per cent bonds to renew or pay in part the $500,000 of notes payable described in Exhibit 2. We believe the bonds should be sold for not less than 97 and accrued interest.

The $500,000 of bonds are part of a proposed authorized issue of $5,000,000. A copy of the proposed trust indenture securing the payment of the bonds has been filed with the Commission in this proceeding as Exhibit 3 and is in satisfactory form.

ORDER.

San Jose Water Works, a corporation, having applied to the Railroad Commission for an order authorizing the execution of a mortgage or deed of trust and the issue of $500,000 of bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted as herein provided, and that the money, property or labor to be procured or paid for through the issue of bonds is reasonably required for the purpose specified herein and that the expeditures for such purpose are not in whole or in part reasonably chargeable to operating expense or to income;

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It is hereby ordered, that San Jose Water Works be and it is hereby authorized to execute a mortgage or deed of trust substantially in the same form as that filed in this proceeding and marked Exhibit 3, and to issue and sell on or before December 31, 1926, at not less than 97 per cent of face value plus accrued interest, $500,000 of first mortgage twenty-five year 5 per cent bonds, secured thereby, and to use the proceeds, other than accrued interest, to pay or redeem, in part, the outstanding $500,000 of notes set forth in Exhibit 2, filed in this proceeding or notes issued in renewal thereof. The accrued interest may be used for general corporate purposes.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage or deed of trust is for the purpose of this proceeding only, and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject.

Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. Applicant shall file with the Commission two certified copies of the mortgage or deed of trust herein authorized to be executed, said copies to be filed within thirty days after the execution of the same.

4. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this seventeenth day of June, 1926.

DECISION No. 16955.

IN THE MATTER OF THE APPLICATION OF PAUL W. HUNTER FOR INCREASE OF WATER RATES.

Application No. 12613.

Decided June 19, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

Paul W. Hunter in propria persona.

BY THE COMMISSION.

OPINION.

Paul W. Hunter, applicant in this proceeding, owns and operates a small public utility water system supplying water for domestic purposes to residents of the northwestern part of the town of Fortuna,

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Humboldt County. The application alleges that the present rates now charged for water service are $1.25 per month for all families; that it is hardly fair for families with no children to pay the same as families with children; and therefore the Commission is requested to issue its order raising the rates to $1.50 per month for families having two or more children.

A public hearing in the above proceeding was held before Examiner Austin at Fortuna, Humboldt County, after all interested parties had been notified and given an opportunity to appear and be heard.

The rates now in effect on this system are as follows:

	Flat.
Families	$1 25 per month
One person	1 00 per month
Cows or horses, per head	25 per month

The water supply of this utility is obtained from a number of small springs, delivering water into a 6000-gallon redwood storage tank, from which distribution is made by gravity to twenty consumers. There are approximately 2200 feet of two-inch pipe and 4000 feet of three-quarter-inch pipe in the distribution system.

R. E. Savage, one of the Commission's engineers, submitted a report and appraisal of the physical properties of this utility, together with a study of the maintenance and operation expense. This report set out the estimated original cost of the used and useful property as $2,274 as of April 1, 1926, the depreciation annuity as $39 computed by the 5 per cent sinking fund method, and the maintenance and operating expenses for the immedate future were recommended to be $240. No appraisement of the utility property or financial statement was presented by the applicant.

The operating revenues of this water plant for 1924 were $274, and $280 for 1925.

The dependable flow of the springs supplying this system has for the past several years been inadequate during the summer months to satisfy the requirements of the consumers, with the result that it has been necessary to purchase water at metered rates from the Fortuna Water Company, a utility supplying the main portion of the town of Fortuna. The necessity of purchasing water at metered rates for resale under a flat rate schedule adds a considerable burden to a plant operating on such a small scale.

The evidence indicates that the rates now charged by applicant should be readjusted to more equitably distribute the charges for service furnished in accordance with the use of water. The proposal of applicant to base the rate upon the number of children in the families of those receiving water is altogether impracticable and can result

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only in general dissatisfaction and annoyance. The rates set out herein are designed to assess charges for service as closely aligned to actual use as is necessary under a flat rate schedule, and will at the same time slightly increase the total revenues. Should any difficulties arise over the quantity of water used, meters may be installed and for that reason a rate for measured service will also be established.

ORDER.

Paul W. Hunter having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by Paul W. Hunter for water supplied to his consumers in Fortuna, Humboldt County, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that Paul W. Hunter be and he is hereby authorized to file with this Commission within twenty days from the date of this order the following rates to be charged for all service rendered to his consumers in the town of Fortuna, Humboldt County, on and after July 1, 1926:

Rates.

	Per month
Flat rates—	
Single taps or faucets	$1 00
Houses, four rooms or less	1 00
Additional for each bath tub or toilet	25
Additional for each room over four	10
For lawn and garden irrigation, per 100 square feet of surface actually irrigated, from May to and including September	03
Garage and one automobile	15
Cows or horses, per head	25
Meter rates—	
Minimum	$1 50
For the first 10,000 gallons, per 1000 gallons	50
Over 10,000 gallons, per 1000 gallons	25

It is hereby further ordered, that Paul W. Hunter be and he is hereby directed to file with this Commission, for its approval, within twenty days from the date of this order, rules and regulations to govern his relations with his consumers.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this nineteenth day of June, 1926.

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DECISION No. 16958.

IN THE MATTER OF APPLICATION OF F. J. COULTER AS JOINT AGENT FOR BOYD AND MATTLY STAGE COMPANY, A COPARTNERSHIP; CALIFORNIA TRANSIT COMPANY, KERN COUNTY TRANSPORTATION CORPORATION, CORPORATIONS; W. R. MILES, OPERATING AUTO STAGE SERVICE UNDER FICTITIOUS NAME OF W. R. MILES STAGE LINES; MOTOR TRANSIT COMPANY, PICWICK STAGE SYSTEM, SHASTA TRANSIT COMPANY, AND UNITED STAGES, INCORPORATED, CORPORATIONS, FOR THE ESTABLISHING OF CERTAIN JOINT AND THROUGH FARES AS HEREIN SET FORTH.

Application No. 12860.

Decided June 19, 1926.

RATES—AUTO STAGES—JOINT AND THROUGH FARES.—Application granted.

Warren E. Libby, for Applicant.
Jesse H. Steinhart by *B. J. Feigenbaum*, for San Francisco-Sacramento Railroad, Protestant.

BY THE COMMISSION.

OPINION.

This is an application filed by F. J. Coulter acting as the agent of Boyd and Mattly Stage Company, California Transit Company, Kern County Transportation Corporation, W. R. Miles, operating W. R. Miles Stage Lines, Motor Transit Company, Pickwick Stages System, Shasta Transit Company and United Stages, Inc., for authority to establish through routes and joint fares principally between stations located on the lines of applicants south of Bakersfield on the one hand and on the other to stations in the San Joaquin Valley and points north thereof to and including the California-Oregon state line.

A public hearing was held before Examiner Geary at San Francisco June 9, 1926, and the application having been duly submitted is now ready for our opinion and order.

The proposed fares are set forth in Exhibit "A" attached to and made a part of the application and in the most instances they are combinations of the local fares of the companies involved.

The San Francisco-Sacramento Railroad Company protested the application as to the fares from Oakland on the California Transit Company to points in northern California via Sacramento, and the Pickwick Stages System Baird to the California-Oregon state line. This opposition is based upon the fact that there is now pending Application No. 11005 of the California Transit Company for a certificate of public convenience and necessity to consolidate its operative rights, establish through service and sell tickets to Sacramento. Protestants allege that the granting of the instant application during the pendency of Application No. 11005 would in effect give to the California Transit Company the privileges it is seeking in that application. It was stipulated at the hearing that applicant in this proceeding would withdraw

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the request for authority to publish joint fares from Oakland to points Baird to California-Oregon state line, inclusive, as shown in section 6 of Exhibit "A." With this understanding the San Francisco-Sacramento Railroad Company withdrew all opposition to the establishment of the through routes and joint fares.

The fares to be published in the new tariff are in the main a revision of those now in effect in Motor Carriers Bureau Joint Passenger Tariff C. R. C. No. 8 and the Lewis A. Monroe Joint Agent Tariff C. R. C. No. 49, which tariffs will be canceled. The newly added joint fares are to points on the Shasta Transit Company and also between certain other points and by routes where no joint fares are now in effect. There is testimony of interested parties showing that there has been a continual demand from the traveling public for these joint passenger fares between the points involved.

The exhibit attached to the application purporting to be a proof copy of the proposed tariff contains many duplications of the rules, particularly in those shown at the bottom of the different pages, the names of the individual lines are not given opposite stations in the index, and the routings via which the fares apply are not complete and in many instances are ambiguous. The tariff should be revised and constructed in conformity with tariff rules and regulations. Proof copy of tariff must be presented for our approval before being offered for filing.

The application will be granted, subject to the stipulation that no fares will be published applying from Oakland to the California stations, as set forth in section 6 of Exhibit "A" attached to and made a part of the application.

ORDER.

A public hearing having been held in the above entitled proceeding, evidence having been submitted by applicants and the Commission being fully advised:

The Railroad Commission of the state of California hereby declares that there is a public necessity for the publication of the joint fares, one way and round trip as set forth in Exhibit "A" of the application, except that no joint fares will be published from Oakland to the points named in section 6 of Exhibit "A" Baird to the California-Oregon state line.

It is hereby ordered, that the applicants be and they are hereby authorized to publish and file in tariffs, in conformity with the Commission's rules, the joint fares to be assessed over the authorized through routes.

Dated at San Francisco, California, this nineteenth day of June, 1926.

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DECISION No. 16959.

IN THE MATTER OF THE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA GRANTING IT A CERTIFICATE THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE EXERCISE BY IT OF THE RIGHTS AND PRIVILEGES CONFERRED UPON IT UNDER THE FRANCHISE GRANTED IT BY THE CITY COUNCIL OF THE CITY OF MODESTO BY ORDINANCE NUMBER 282 (N. S.) ON THE THIRTEENTH DAY OF JANUARY, 1926.

Application No. 12868.

Decided June 19, 1926.

CERTIFICATE—TELEPHONE AND TELEGRAPH UTILITY—FRANCHISE—TO EXERCISE. Application granted.

James G. Marshall, for Applicant.

WHITSELL, *Commissioner*.

OPINION.

The Pacific Telephone and Telegraph Company in the above entitled proceeding requests this Commission for an order granting it a certificate that public convenience and necessity require the exercise by it of the rights and privileges conferred upon it under the franchise granted it by the city council of the city of Modesto by Ordinance No. 282 (N. S.) on the thirteenth day of January, 1926. A hearing was held in this matter in San Francisco on June 14, 1926.

Applicant is now and for a long time has been engaged in a general telephone and telegraph business in the city of Modesto and it appears that public convenience and necessity will be served by the granting of applicant's request.

ORDER.

The Pacific Telephone and Telegraph Company having requested this Commission for an order granting it a certificate that public convenience and necessity require the exercise by it of the rights and privileges conferred upon it under a certain franchise granted it by the city council of the city of Modesto, a copy of said franchise having been filed with the Railroad Commission, The Pacific Telephone and Telegraph Company having stipulated in a form satisfactory to this Commission as to the claim for value of said franchise and that its successors or assignees will never claim before the Railroad Commission or before any court or other public body any value for the aforesaid franchise in excess of the sum of eight hundred thirty-two dollars and seventy-eight cents ($832.78), the amount actually paid by it to the city of Modesto, a public hearing having been held in the above entitled proceeding, the matter being submitted and now ready for decision:

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The Railroad Commission hereby declares that public convenience and necessity require the exercise of the rights and privileges contained in said franchise; and

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to The Pacific Telephone and Telegraph Company authorizing the exercise by it of the rights and privileges conferred upon it by Ordinance No. 282 (N. S.) dated June 13, 1926, by the city council of the city of Modesto.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this nineteenth day of June, 1926.

DECISION No. 16980.

IN THE MATTER OF THE APPLICATION OF SHAFTER BUSINESS MEN'S ASSOCIATION TO SELL WATER WORKS IN THE TOWN OF SHAFTER, KERN COUNTY, CALIFORNIA.

Application No. 12941.

Decided June 21, 1926.

TRANSFER—WATER UTILITY—TO SELL.—Application granted.

Rowen Irwin and *Rollin Laird*, for Applicant.

BY THE COMMISSION.

ORDER.

Shafter Business Men's Association asks permission to sell for $6,500 a water system to the Shafter Public Utility District.

The petitioner reports that approximately two years ago it became necessary for an association of residents of the town of Shafter to take over the water plant in order that an adequate supply of water might be furnished the inhabitants of the town of Shafter. The water system was purchased by the association from the Kern County Land Company for the sum of $1,000. Since then additional moneys have been invested in betterments and extensions. Chas. J. Berg, a civil engineer, estimates the capital invested in the water system to be $7,200, segregated as follows:

Real estate	$600 00
Water tower and tank	500 00
Pump house	50 00
Pumping plant	1,000 00
Water wheel	500 00
Pipe lines	4,100 00
Pipe lines, old redwood	400 00
Tools, equipment and supplies	50 00
Total	$7,200 00

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Applicant further reports that at the time it acquired the water system it was contemplated that the inhabitants of the town of Shafter would organize a public utility district. Such district has since been organized and it has agreed to purchase applicant's water system and pay therefor the sum of $6,500 in cash.

The Commission has considered the request of applicant and is of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted; therefore,

It is hereby ordered, that Shafter Business Men's Association be and it is hereby authorized to sell to the Shafter Public Utility District for the sum of $6,500 the water system described in this application.

It is further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twenty-first day of June, 1926.

DECISION No. 16982.

IN THE MATTER OF THE APPLICATION OF COLUSA COUNTY TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 12777

Decided June 21, 1926.

RATES—TELEPHONE UTILITY—PUBLIC PAY STATIONS.—Application granted.

BY THE COMMISSION.

SUPPLEMENTAL ORDER.

Whereas, this Commision on April 26, 1926, issued its Decision No. 16576 in the above entitled proceeding, which decision authorized the Colusa County Telephone Company to charge certain rates for public pay station service and to make effective certain rules and regulations, provided said rates and rules and regulations were filed prior to June 1, 1926; and

Whereas, Colusa County Telephone Company was unable to file said rates and rules and regulations within the time authorized; and

Whereas, the Colusa County Telephone Company is desirous of charging said rate and making effective said rules and regulations as heretofore requested and there appearing no good reason why Colusa County Telephone Company should not charge said rates and make effective said rules and regulations;

It is hereby ordered, that Colusa County Telephone Company be and it is hereby authorized to charge and collect the rates for public pay station service and to make effective the rules and regulations as set forth in the order of this Commission's Decision No. 16576 for tele-

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phone service furnished on and after July 1, 1926, provided said rates and rules and regulations be submitted for filing with this Commission on or before June 30, 1926.

Dated at San Francisco, California, this twenty-first day of June, 1926.

DECISION No. 16986.

IN THE MATTER OF THE APPLICATION OF THE BLOOMINGTON DOMESTIC WATER SYSTEM FOR AN ORDER AUTHORIZING AN INCREASE OF RATES TO BE CHARGED FOR THE DISTRIBUTION OF WATER.

Application No. 11751.

Decided June 24, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted, conditioned upon applicant filing within twenty days from date of order plans satisfactory to the Commission for the improvement of the service.

H. B. Learned, for Applicants.
Charles J. O'Connor, for Protestants.

WHITSELL, *Commissioner*.

OPINION.

In this proceeding Henry B. Learned as trustee for himself, R. T. Burge, E. G. Hart and H. C. Parker, operating under the fictitious name of Bloomington Domestic Water System, and engaged in the business of supplying water for domestic purposes in and in the vicinity of the unincorporated town of Bloomington, San Bernardino County, asks for authority to increase the rates charged for water. Applicants allege that the rates now charged do not yield sufficient revenue to earn an adequate and reasonable return upon the fair value of the property devoted to public use.

Public hearings in this proceeding were held in Los Angeles and Bloomington, after all consumers had been duly notified and given an opportunity to appear and be heard.

The rates now in effect are as follows:

Monthly Meter Rates.

First 1000 cubic feet	$1 00
Second 1000 cubic feet	75
Over 2000 cubic feet per 1000 cubic feet	50

Monthly Flat Rates.

House, each	$1 00
Bath, each	25
Lawn, each	50
Garden, each	50
Horse, each	25
Cow, each	10

The water system was installed prior to 1912 by one George M. Curtis for the purpose of supplying the employees of his ranch and certain

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residents of Bloomington with water for domestic purposes. Curtis acquired 10 shares of the capital stock of the Citizens Land and Water Company, a mutual water company, furnishing water for domestic and irrigation purposes in that area, and obtained the entire water supply from that company for his water system.

About 1915 the Curtis Ranch Company acquired the ranch properties including the water system and operated them until 1922, when the ranch and water system were sold to R. T. Burge and his associates, the consideration being a ninety-nine year lease of a business block and building at the southwest corner of Sixth and Grande avenue in Los Angeles. No separate price or value was agreed upon for either the ranch or the water system. In order to more conveniently and efficiently operate the water plant Henry B. Learned obtained permission from this Commission to purchase and operate the system as trustee for the various owners. Reference is made to the Commission's Decision No. 11641, dated February 9, 1923 (23 C. R. C. 46), in Application No. 8056, for further details of this transfer.

The present water system consists of a concrete-lined reservoir 34 by 40 by 10 feet, covered with a corrugated iron roof, 37,387 lineal feet of distribution mains varying from six to one inch in diameter, and about 160 active service connections, all of which are metered. Water is still obtained from the Citizens Land and Water Company, a mutual company. It is delivered to the reservoir and thereafter distributed by gravity to the various consumers.

At the hearing H. B. Learned presented a statement giving the estimated historical cost of the physical properties of the system as $24,013, and a depreciation annuity of $549 computed by the 5 per cent sinking fund method. A value of $10,000 was claimed for the 40 shares of stock owned by the water company in the Citizens Land and Water Company, making a total appraisement of $34,013 for the properties. The operating revenues for the year ending May 31, 1925, were $2,467, and the operating expenses for the same period, including an allowance for depreciation of $549, were $3,340, resulting in an operating deficit of $873. The annual charges for the future were estimated to be $6,833, which includes a return of 8 per cent on $34,100, an estimate of $3,555 for annual operating expenses and an allowance of $550 for depreciation.

A report was submitted by Wm. Stava, one of the Commission's engineers, in which the original cost of the system, exclusive of water stock, was estimated to be $21,690, with a depreciation annuity of $481, computed by the 5 per cent sinking fund method. The operating revenues for the year ending December 31, 1925, were found to be $2,773, and the operating expenses $2,675. Including the above allowance for depreciation, the 1925 operations resulted in a deficit of $384.

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A study of the operations of the company since 1923, when it was taken over by the present ownership, shows a deficit each year. The future operating expenses were estimated by the Commission's engineer to be $2,695, which the evidence shows should be increased on account of a recent increase in the price of water sold to applicants by the Citizens Land and Water Company, and an increase in the assessments on its stock. These increases by the mutual water company are claimed to be due to the several unusual dry seasons which have caused a general drop in the water table and resulted in making it necessary to lower pumps and deepen the wells and has also required the installation of additional water producing facilities by the mutual company.

Representatives of the consumers contended that the water stock held by applicant was appurtenant to the land in the townsite and dedicated for domestic use in that area. They further claimed that when the townsite land was sold the price of the stock was included in the lands and was paid for by the purchasers, and therefore should not be again charged against the present landowners who are also the consumers. Although the evidence presented on this question is somewhat uncertain and conflicting, it appears reasonable to assume that the stock under which applicants now receive water has been considered by all interested parties to be appurtenant to the lands within the original townsite. This stock was acquired by the company in order to obtain the necessary water supply for the consumers which otherwise would have had to be provided in some other manner, and therefore is properly chargeable to the capital investment. Applicants' system has been extended to serve certain consumers and a subdivided area outside of the townsite for which no water stock is held by applicant to cover such service. According to the testimony the water stock assigned to cover this subdivided tract was sold by the former owner with the result that the applicants have no stock which will enable them to acquire the additional water necessary to serve this new territory without seriously interfering with and reducing the limited supply available for and already allocated to the consumers in the original townsite. In order that the townsite consumers shall not be penalized by this outside demand, it is recommended that no service be given outside the townsite area without the acquisition by applicant of water stock covering the area to be served.

Complaints were made by several consumers to the effect that the service was intermittent, that the water frequently was shut off without notice for intervals varying from one to eight hours, and that in certain localities the pressure was poor. It developed that the interruptions of service were due to repairs being made on the mains which made it necessary to shut down almost the entire system because of the general lack of a proper number of gate valves. The complaints of poor pres-

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sure were from consumers located on small mains that were dead-ended, and from consumers on the upper end of the system where the pressure was seriously reduced during periods of heavy draft.

The service interruptions for repairs to pipe lines can be largely eliminated by installing additional gate valves which will permit continuous service over the system except on the section of main being repaired. The inadequate pressure on the small mains can be remedied by making provision for complete circulation of water by connecting all dead-ended pipe lines. The unsatisfactory service conditions existing in the upper section of the system are more difficult to solve and it may be found that it can not be corrected except by the installation of booster pumping equipment or perhaps by the use of other reservoirs which it appears are now owned or controlled by applicants and so located as to be readily available for this service. The testimony shows that one of these reservoirs could be filled from the overflow of the storage reservoir now in use and that a considerable area at the lower end of the system could be supplied by putting this reservoir in service. However, this is a matter that will require a further study on the part of the company in order to determine the most economical and practical method to pursue, and applicants therefore are directed to cause an investigation to be made immediately and to adopt plans for the installation of such facilities as shall be necessary to provide adequate and dependable service to those consumers located in the areas now receiving poor service.

The evidence indicates that the present rates in effect have not produced sufficient revenue to yield operating expenses and an allowance for depreciation, and that the rates are lower than are charged on other systems in the general vicinity which render a similar service under comparable conditions. A rate will be established herein which will provide for operating expenses, depreciation, and a reasonable return on that portion of the investment properly chargeable against the consumers. However, the rates established demand first-class service to the entire community and their authorization will be made contingent upon a showing by applicant that such service is assured the consumers.

The following order is recommended:

ORDER.

Henry B. Learned, as trustee for himself, R. T. Burge, E. G. Hart and H. C. Parker, operating under the fictitious name and style of the Bloomington Domestic Water System, having made application to the Railroad Commission for authority to increase the rates now charged for water service, public hearings having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter:

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It is hereby found as a fact that the rates now charged by H. B. Learned et al., for water delivered to their consumers are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for such service.

Basing the order upon the foregoing findings of fact and upon the statements of fact contained in the preceding opinion;

It is hereby ordered, that H. B. Learned, as trustee for himself, R. T. Burge, E. G. Hart and H. C. Parker, operating under the fictitious name and style of Bloomington Domestic Water System, be and they are hereby directed to file with this Commission, within twenty days from the date of this order, the following schedule of rates to be charged consumers in and in the vicinity of Bloomington, San Bernardino County, for all water delivered subsequent to July 1, 1926, provided, however, that applicants shall have submitted to the Commission for its approval prior to July 1, 1926, plans for connecting dead-ends in areas of poor pressure, plans for the installation of additional gate valves at such proper locations on the system as will permit repairs to be made to mains without interrupting service throughout the entire system, and plans for providing proper and adequate service at reasonable pressures throughout the system, said improvements to be installed and in proper operation on or before July 31, 1926, and provided further that the said plans be accepted and approved by supplemental order of this Commission.

Monthly Meter Rates.

For 800 cubic feet or less	$1 50
800 to 2000 cubic feet, per 100 cubic feet	15
Over 2000 cubic feet, per 100 cubic feet	10

Minimum Monthly Meter Charges.

⅝-inch meter	$1 50
¾-inch meter	2 00
1 -inch meter	2 50
1½-inch meter	3 50
2 -inch meter	5 00

Each of the foregoing "monthly minimum charges" will entitle the consumers to the quantity of water which that minimum monthly charge will purchase at the "monthly meter rates."

Monthly Flat Rates.

Residence of not over five rooms occupied by single family	$1 50
For each additional family	1 00
For each additional room	10
For each horse or cow	15
For each private garage	25
For sprinkling or irrigation of lawns, gardens, etc., for each square yard of surface actually irrigated	005

It is hereby further ordered, that H. B. Learned, as trustee for himself, R. T. Burge, E. G. Hart and H. C. Parker, operating under the fictitious name and style of Bloomington Domestic Water System, be and they are directed to file with this Commission within twenty days

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from the date of this order, rules and regulations to govern relations with their consumers, such rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fourth day of June, 1926.

DECISION No. 16989.

IN THE MATTER OF THE APPLICATION OF NEVADA, CALIFORNIA AND OREGON TELEGRAPH AND TELEPHONE COMPANY FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AN EXTENSION TO ITS EXISTING TELEPHONE AND TELEGRAPH LINES ALONG THE STATE HIGHWAY BETWEEN BIEBER, LASSEN COUNTY, AND FALL RIVER MILLS, SHASTA COUNTY, CALIFORNIA, VIA PITTVILLE AND McARTHUR, SHASTA COUNTY, CALIFORNIA, AND TO OPERATE SAID EXTENSION FOR THE TRANSACTION OF BOTH INTERSTATE AND INTRASTATE TELEPHONE AND TELEGRAPH BUSINESS IN CONJUNCTION WITH APPLICANT'S SYSTEM GENERALLY AND TO SERVE THE COMMUNITIES ALONG AND THE TERRITORY GENERALLY ADJACENT TO SAID HIGHWAY IN SO FAR AS THE SAME ARE NOT AT PRESENT SERVED BY OTHER UTILITY.

Application No. 12760.

Decided June 25, 1926.

CERTIFICATE—TELEPHONE AND TELEGRAPH UTILITY—TO CONSTRUCT.—Application granted.

Albert A. Rosenshine, for Applicant.
Wm. C. O'Donnell, Secretary of the Lassen County Chamber of Commerce, for the people of Big Valley.
J. C. Lamburth, *M. D. Pratt*, and *F. L. Whipple*, for Fall River Valley Telephone Company.

WHITSELL, *Commissioner*.

OPINION.

Nevada, California and Oregon Telegraph and Telephone Company, hereinafter referred to as the applicant, in the above entitled proceeding requests this Commission for an order granting it a certificate that public convenience and necessity require the construction by it of a telephone and telegraph line from Bieber, Lassen County, to Fall River Mills, Shasta County. Applicant desires to connect the proposed line to its existing line at Bieber and to a circuit of Bass Telephone Lines at Fall River Mills.

A hearing was held in this matter in Susanville on June 1, 1926.

Applicant introduced evidence, through its witnesses at the hearing,

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which purported to show that the requirements of the public, in Lassen and Modoc counties generally and of the residents of Big Valley particularly, demanded the construction of the proposed line; that the construction of the proposed line would make possible the use of much less wire mileage between points in Lassen and Modoc counties and points in the Sacramento Valley, resulting in improved transmission and service to the public; and that rates for toll telephone service would be much less when using the more direct route than are effective over the existing toll route via Reno, Nevada, between points in Modoc County and the Sacramento Valley.

The Fall River Valley Company operates a toll telephone line between McArthur and Fall River Mills and exchange telephone lines extending from its McArthur central office to Pittville, which would be paralleled by line which applicant proposes to construct. It is apparent that the construction of a toll telephone line through Pittville and McArthur by applicant is of no interest to the Fall River Valley Company in the event that toll telephone, or telegraph stations for the transmission and reception of communications by the public generally are not established at either of these points. It would be through such stations only that competition with the operations of the Fall River Valley Company could be developed.

It appears that public convenience and necessity would be served by the granting of applicant's request as the record shows quite clearly that such action would be favorable to users situated in Lassen and Modoc counties, particularly. It do not believe, however, that the necessity for the location of toll stations at McArthur and Pittville has been established and will recommend that permission to open such stations be not granted at this time, but if, in the future, conditions warrant these stations may be established after proper showing to this Commission.

Applicant proposes to establish rates for toll telephone and telegraph service in connection with the projected line similar to those now in effect over like distances in other parts of its system. I am not able to pass upon the reasonableness of these rates at this time and the question of rates over the system of applicant generally is not one involved in this proceeding, but in my opinion the preservation of a uniform system of rate fixing over the entire system is sufficient justification for fixing such rates for use of the line proposed herein.

I recommend the following form of order:

ORDER.

Nevada, California and Oregon Telegraph and Telephone Company having requested the Railroad Commission for an order granting it a certificate of public convenience and necessity authorizing it to con-

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struct an extension to its existing telephone and telegraph lines along the state highway between Bieber, Lassen County, and Fall River Mills, Shasta County, California, a public hearing having been held in this proceeding, the matter being submitted, and now ready for decision:

The Railroad Commission hereby declares that public convenience and necessity require the construction and operation of a toll telephone and telegraph line between Bieber, Lassen County, and Fall River Mills, Shasta County, California; and,

It is hereby ordered, that a certificate of public convenience and necessity be and it is hereby granted to Nevada, California and Oregon Telegraph and Telephone Company authorizing the construction and operation by it as a public utility of a toll telephone and telegraph line between Bieber, Lassen County, and Fall River Mills, Shasta County, for the transmission of intelligence to and from Bieber and points on its existing lines east of Bieber and Fall River Mills.

It is hereby further ordered, that Nevada, California and Oregon Telegraph and Telephone Company shall charge and collect rates for toll telephone and telegraph service between Fall River Mills and Bieber which shall be based on its toll telephone and telegraph rate structure at present in use on its system and shall be equal to rates for similar service under similar conditions elsewhere on its lines, after showing to this Commission that it has completed construction necessary to render toll telephone and telegraph service between Fall River Mills and Bieber and upon issuance of a supplemental order by this Commission.

It is hereby further ordered, that Nevada, California and Oregon Telegraph and Telephone Company be and it is hereby authorized to establish and maintain physical connections for the interchange of toll telephone and telegraph business at Fall River Mills, Shasta County, with the lines of Bass Telephone Lines and Fall River Valley Telephone Company under connecting contracts which may be entered into by Nevada, California and Oregon Telegraph and Telephone Company and Bass Telephone Lines and Fall River Valley Telephone Company and which may be approved by the Railroad Commission.

The authority herein contained is granted subject to the following conditions and not otherwise:

(1) Nothing herein shall be construed as authorizing the establishment of any toll station, telephone exchange, telegraph station or the connection for public use of any telephone or telegraph instrument to the toll telephone and telegraph line between Fall River Mills and Bieber other than the terminal station in Fall River Mills.

(2) The construction work necessary for the purpose of furnishing toll telephone and telegraph service between Fall River Mills and

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Bieber by means of the line considered in this proceeding shall be commenced on or before August 1, 1926, and shall be completed on or before February 1, 1927.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of June, 1926.

DECISION No. 16991.

IN THE MATER OF THE APPLICATION OF J. W. ROPER, OWNER OF BUTTE MEADOWS TELEPHONE AND TELEGRAPH COMPANY FOR AUTHORIZATION AND PERMISSION TO SELL OR MORTGAGE THE SAID BUTTE MEADOWS TELEPHONE AND TELEGRAPH COMPANY FRANCHISE AND PHYSICAL PROPERTIES.

Application No. 12864.

Decided June 25, 1926.

TRANSFER—TELEPHONE UTILITY—TO SELL—NOTES—TO ISSUE.—Application of J. W. Roper to sell, or mortgage, Butte Meadows Telephone and Telegraph Company dismissed for want of jurisdiction, and request to sell properties held in abeyance until applicant has conformed with Commission's rules of procedure. Application to issue notes and execute mortgage for $2,500 dismissed without prejudice for want of jurisdiction.

Guy R. Kennedy, for Applicant.

WHITSELL, *Commissioner*.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing J. W. Roper to execute a mortgage of certain public utility telephone properties to secure the payment of a loan for $2,500 payable on or before three years after date with interest at not exceeding 7 per cent per annum, or to sell such telephone properties for $2,500.

The application shows that J. W. Roper is the owner of an unincorporated telephone system, known as the Butte Meadows Telephone and Telegraph Company, extending between Chico, Butte County, and Butte Meadows, Tehama County. The properties comprising the system consist of one switchboard with ten lines, and about thirty-six miles of galvanized iron wire and four working stations. Connection is made at Chico with The Pacific Telephone and Telegraph Company.

Applicant estimates the value of his telephone properties at about $3,500. He testified that at present there are no bonds, notes or other evidences of indebtedness outstanding against the system and that he

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is making the present request to mortgage his utility properties to obtain funds to liquidate certain indebtedness, consisting of matured and unpaid interest and taxes, incurred in connection with activities and properties other than his telephone system.

The purposes for which the Commission may authorize a public utility to issue securities are set forth in section 52 of the Public Utilities Act. This section reads in part as follows:

> A public utility may issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness of such public utility for any of the aforesaid purposes except maintenance of service and replacements.

The Commission has heretofore held that it had no authority to authorize the owner of public utility property to mortgage the same for the purpose of securing funds for nonutility purposes. (Vol. 8 Opinions and Orders of the Railroad Commission of California, page 403; Vol. 18, Opinions and Orders of the Railroad Commission of California, page 116.) Moreover it is doubtful whether the payment of interest and taxes, even if charges against public utility properties can, under section 52 of the Public Utilities Act, be paid with proceeds obtained from the issue of notes authorized by the Commission. It is not necessary in this case to pass on that point, for here we are asked to authorize the issue of a note and execute a mortgage on public utility property to pay interest and taxes resulting from private transactions. In my opinion the Commission has no power to authorize the issue of said note or the execution of said mortgage and therefore I recommend that this application be dismissed in so far as it involves the issue of a note and the execution of a mortgage.

As an alternative to executing a mortgage, applicant asks permission to sell the telephone system. He reports, in this connection, that he is willing to take $2,500 for the properties and that he believes he can dispose of them at that price. However, it does not appear if applicant has entered into any negotiations or made arrangements for the sale of his properties.

Under Rule V of the Rules of Procedure prescribed by the Commission applications for permission to sell public utility property must be made by all the parties to the proposed transaction. The present petition, therefore, is defective in that it is not made by the purchaser as well as the seller. The request to sell the properties, temporarily should be held in abeyance until applicant has corrected this defect by

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causing the purchaser to join in and subscribe to the petition and ask permission to purchase the properties. This can be done by a supplemental petition in this proceeding.

Upon the filing of the supplemental petition a further order can be made in this matter passing upon the request to transfer the properties.

I herewith submit the following form of order:

ORDER.

J. W Roper having applied to the Railroad Commission for permission to mortgage or sell a public utility telephone system known as Butte Meadows Telephone and Telegraph Company, a public hearing having been held, and the Railroad Commission being of the opinion that the request to execute the mortgage should be dismissed for want of jurisdiction and that the request to sell the properties should be held in abeyance, temporarily, until applicant has caused the application to conform with the Commission's Rules of Procedure;

It is hereby ordered, that the application of J. W. Roper to execute a mortgage of his public utility telephone system, known as Butte Meadows Telephone and Telegraph Company, to secure the payment of $2,500 payable on or before three years after date with interest at not exceeding 7 per cent be and it is hereby dismissed without prejudice for want of jurisdiction.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of June, 1926.

DECISION No. 16997.

IN THE MATTER OF THE APPLICATION OF STOCKTON AND MOKELUMNE CANAL COMPANY, A CORPORATION, FOR THE AUTHORIZATION OF THE EXECUTION OF THE SUPPLEMENTAL AND AMENDATORY DEED OF TRUST EXTENDING MATURITY DATE OF BONDS.

Application No. 12957.

Decided June 25, 1926.

SECURITIES—WATER UTILITY—MATURITY DATE—TO EXTEND.—Application of Stockton and Mokelumne Canal Company to extend maturity date of its outstanding $104,000 of bonds from July 15, 1922, to July 15, 1927, granted.

Levinsky and Jones, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

In this application Stockton and Mokelumne Canal Company asks for permission to execute a supplemental and amendatory deed of

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trust extending the maturity of its outstanding $104,000 of bonds from July 15, 1922, to July 15, 1927, and to issue and attach to said bonds two additional coupons, numbered 41 and 42, in the same form as the coupons at present attached to said bonds, each providing for six months' interest on the bond to which it is attached, the first of the additional coupons to be made payable on January 15, 1927 and the second on July 15, 1927.

The record shows that on or about July 15, 1902, applicant created its bond issue called the first mortgage 6 per cent sinking fund twenty-year gold bonds in the principal amount of $110,000 secured by a deed of trust of the same date, and that at present bonds in the amount of $104,000 are outstanding.

The bonds matured on July 15, 1922, but have not been paid. This application shows that the owners of all the outstanding bonds have consented in writing to the extension of the maturity date of the bonds to July 15, 1927, as set forth in the supplemental and amendatory deed of trust filed as Exhibit "B," and that the stockholders have approved such extension. The application further indicates that the original deed of trust is to remain unchanged except as to the maturity of the bonds and the execution of the additional interest coupons.

The Commission has given consideration to applicant's request and is of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted, as herein provided; therefore,

It is hereby ordered, that Stockton and Mokelumne Canal Company be and it is hereby authorized to execute a supplemental and amendatory deed of trust, substantially in the same form as that filed in this proceeding as Exhibit "B"; to extend to July 15, 1927, the maturity date of the oustanding first mortgage 6 per cent sinking fund twenty-year gold bonds amounting to $104,000 face value, being bonds numbered 1 to 220, except bonds numbered 1, 2, 23, 24, 25, 26, 27, 28, 29, 30, 34 and 35, and to issue and attach to said bonds two additional interest coupons numbered 41 and 42, in the same form as the coupons at present attached to said bonds, each coupon providing for six months' interest on the bond to which it is attached, the first of the additional coupons to be made payable on January 15, 1927, and the second on July 15, 1927, provided that the authority herein granted to execute a supplemental and amendatory deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said supplemental and amendatory deed of trust as to such other legal requirements to which said supplemental and amendatory deed of trust may be subject; and provided, further, that

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the authority herein granted shall become effective ten days after the date hereof.

Dated at San Francisco, California, this twenty-fifth day of June, 1926.

DECISION No. 17002.

SERVICE ROCK COMPANY, A CORPORATION,

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION.

Case No. 2215.

Decided June 25, 1926.

RATES—STEAM RAILROAD—REPARATION.—Defendant carrier directed to refund to complainant $495.13 as reparation on account of unreasonable charges collected for the transportation of two carloads of steel rails and angle bars moving during the month of April, 1924, from Needles to Fresno.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, with its principal place of business at Fresno, California, is engaged in the production of crushed rock, sand and gravel. By complaint filed February 16, 1926, and as amended, it is alleged that the rate assessed and collected on two carloads of steel rails and angle bars moving during the month of April, 1924, from Needles to Fresno was unjust and unreasonable to the extent it exceeded a rate of $15.40 per gross ton of 2240 pounds on the rails contained in the shipments and $15.40 per net ton of 2000 pounds on the angle bars.

Reparation only is sought.

The applicable rate in effect on the date the shipments moved was the 5th class rate of $1.06 per 100 pounds as published in A. T. & S. F. Ry. Tariff 9885-E, C. R. C. 504. There was, however, concurrently in effect on interstate traffic, rates of $15.40 per gross ton of 2240 pounds on steel rails and $15.40 per net ton of 2000 pounds on angle bars from Denver, Colorado and other transcontinental group "J" points to Fresno. Needles, California, is an intermediate point. These rates were subsequently published, effective April 25, 1926, in A. T. & S. F. Ry. Tariff 12375-G, C. R. C. No. 551, to apply to California intrastate traffic from Needles to Fresno. Complainant bases its plea for reparation on these subsequently established rates.

Defendant admits the allegations of the complaint and has signified a willingness to make a reparation adjustment to the basis of the lower rates established April 25, 1926; therefore, under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion

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and find that the rate assessed by defendant for the transportation of two carloads of steel rails and angle bars moving during the month of April, 1924, from Needles to Fresno was unjust and unreasonable to the extent it exceeded the subsequently established rate of $15.40 per gross ton of 2240 pounds on steel rails and $15.40 per net ton of 2000 pounds on angle bars.

We further find that complainant made the shipments as described, paid and bore the charges thereon and has been damaged to the extent of the difference between the charges paid $1,712.84 and $1,217.71 those that would have accrued at the rates herein found reasonable and is entitled to reparation in the sum of $495.13.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, The Atchison ,Topeka and Santa Fe Railway Company, be and it is hereby authorized and directed to refund to complainant, Service Rock Company, a corporation, $495.13 as reparation account unreasonable charges collected on the two carloads of steel rails and angle bars, involved in this proceeding, moving during the month of April, 1924, from Needles to Fresno.

Dated at San Francisco, California, this twenty-fifth day of June, 1926.

DECISION No. 17003.

SOUTHERN CALIFORNIA EDISON COMPANY

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, LOS ANGELES AND SALT LAKE RAILROAD COMPANY, PACIFIC ELECTRIC RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY.

Case No. 2229.

Decided June 25, 1926.

RATES—STEAM RAILROAD—REPARATION.—The Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company, and Southern Pacific Company directed, according as they participated, in the transportation of shipments of sand and gravel from Kincaid, Rivas and Crushton to Power, during the years 1924 and 1925, to refund to Southern California Edison Company all charges collected in excess of a rate of 4½ cents per 100 pounds on sand, and 5 cents per 100 pounds on gravel, applicable only to shipments on which charges were paid on or subsequent to April 14, 1924.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, with its principal place of business at Los Angeles, California, is engaged in the business of producing, dis-

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tributing and selling electricity, electric energy, lighting and power. By complaint filed April 14, 1926, it is alleged that the rates assessed on various carloads of sand and gravel, as set forth in Exhibit "A" of the complaint, moving during the period from January 14, 1924, to April 22, 1925, from Kincaid, Rivas and Crushton to Power were excessive, unjust and unreasonable to the extent they exceeded a rate of 4½ cents per 100 pounds on sand and 5 cents per 100 pounds on gravel.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Kincaid is situated on The Atchison, Topeka and Santa Fe Railway Company; Rivas and Crushton on the Southern Pacific Company and Power on the Los Angeles and Salt Lake Railroad Company. The shipments from Kincaid to Power moved via The Atchison, Topeka and Santa Fe Railway to Hobart thence Los Angeles and Salt Lake Railroad, and those from Rivas and Crushton to Power moved via the Southern Pacific Company to Los Angeles thence Los Angeles and Salt Lake Railroad. The record indicates that defendant, Pacific Electric Railway, did not participate in the transportation.

The applicable rates in effect at the time the shipments moved were 5½ cents on sand and 6 cents on gravel as published in Pacific Freight Tariff Bureau Tariff No. 166 Series, C. R. C. Nos. 280 and 335. Effective September 6, 1925, defendants voluntarily reduced the rate on sand to 4½ cents and on gravel to 5 cents, and it is upon the basis of these lower rates subsequently established that complainant seeks reparation. Defendants, by formal answer, admit the allegations of the complaint and have signified a willingness to make a reparation adjustment; therefore, under the issues as they now stand, a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the rates assessed and collected on the certain shipments of sand and gravel as set forth in Exhibit "A" of the complaint, moving during the years 1924 and 1925 from Kincaid, Rivas and Crushton to Power on which the freight charges were paid within two years immediately preceding the filing of the complaint, were excessive, unjust and unreasonable to the extent they exceeded the subsequently established rates of 4½ cents on sand and 5 cents on gravel.

We further find that complainant paid and bore the charges on the shipments in question and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rates herein found reasonable and that it is entitled to reparation, except on the shipments set forth in Exhibit "A" of the complaint on which the freight charges were paid prior to April 14, 1924.

The amount of reparation due can not be determined on this record.

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Complainant will submit to defendants a statement of the shipments and should it not be possible to reach an agreement as to the amount of reparation, the matter may be referred to this Commission for further attention and the entry of a supplemental order.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the finding of fact and the conclusion contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, The Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company, and Southern Pacific Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Southern California Edison Company, all charges they may have collected for the transportation of the shipments of sand and gravel, as set forth in Exhibit "A" of the complaint moving from Kincaid, Rivas and Crushton to Power during the years 1924 and 1925, which exceeded the charges that would have accrued at a rate of 4½ cents per 100 pounds on sand and 5 cents per 100 pounds on gravel, provided this reparation award shall apply only to the shipments here involved on which the freight charges were paid on or subsequent to April 14, 1924.

Dated at San Francisco, California this twenty-fifth day of June, 1926.

DECISION No. 17004.

UNION OIL COMPANY OF CALIFORNIA

vs.

SOUTHERN PACIFIC COMPANY AND PACIFIC ELECTRIC RAILWAY COMPANY.

Case No. 2243.

Decided June 25, 1926.

RATES—STEAM RAILROAD—ELECTRIC RAILROAD—REPARATION.—Defendant carriers directed to refund to complainant $240.80 excess charges on eleven carloads of gasoline moving from Searby to Maltha during period July 5, 1924, September 24, 1924.

BY THE COMMISSION.

OPINION.

Complainant is a corporation engaged in the business of producing, refining and marketing of oils and other petroleum products, with its principal place of business at Los Angeles. By complaint filed May 24, 1926, it is alleged that the rate assessed and collected on eleven

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carloads of gasoline moving during the period July 5, 1924, to September 24, 1924, from Searby to Maltha was unreasonable to the extent it exceeded a rate of 47 cents per 100 pounds.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Searby is located on the Pacific Electric Railway, and Maltha on the Southern Pacific Company. Charges on the shipments here involved were assessed on the basis of the lawfully applicable rate of 51 cents made by a combination of commodity rates over Slauson Junction. The factors from which the through rate was made were 4 cents Searby to Slauson Junction, as published in Pacific Electric Railway Company Tariff No. 120-B, C. R. C. 254, and 47 cents Slauson Junction to Maltha, as published in Pacific Freight Tariff Bureau Tariff No. 167-B, C. R. C. No. 328. At the time the shipments here involved moved, there was concurrently in effect a rate of 47 cents to Maltha from Stewart, a point located in the same general territory as Searby, and effective July 30, 1925, defendants voluntarily established this same rate from Searby to Maltha. Complainant bases its plea for reparation upon the lower rate subsequently established.

Defendants admit the allegation of the complaint and have signified a willingness to make a reparation adjustment; therefore, under the issues as they now stand, a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the assailed rate was unreasonable to the extent that it exceeded the subsequently established rate of 47 cents; that complainant made the shipments as described, paid and bore the charges thereon, and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rate herein found reasonable, and that it is entitled to reparation in the sum of $240.80.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Southern Pacific Company and Pacific Electric Railway Company, according as they participate in the transportation, be and they are hereby authorized and directed to refund to complainant, Union Oil Company of California, reparation in the sum of $240.80 account unreasonable rate assessed and collected on eleven carloads of gasoline, involved in this proceeding, moved

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during the period July 5, 1924, to September 24, 1924, from Searby to Maltha.

Dated at San Francisco, California, this twenty-fifth day of June, 1926.

DECISION No. 17018.

IN THE MATTER OF THE APPLICATION OF CALIFORNIA HIGHWAY EXPRESS, INC., AND CONSOLIDATED FURNITURE MOVING COMPANY, INC., FOR PERMISSION TO ESTABLISH JOINT RATES AND THROUGH ROUTES.

Application No. 12666.

Decided June 28, 1926.

RATES—AUTO TRUCK—JOINT.—Application granted.

Harry N. Blair, for Applicants.

BY THE COMMISSION.

OPINION.

This is an application filed jointly by the California Highway Express, Inc., and Consolidated Furniture Moving Company, Inc., seeking authority to establish and maintain for the transportation of household and office furniture and equipment, baggage and personal effects, household goods, trunks and pianos, joint rates between points as set forth in the application served by the California Highway Express in the territory north of Los Angeles to and including San Francisco via Santa Barbara and Bakersfield on the one hand, and on the other, points served by the Consolidated Furniture Moving Company in the territory between San Francisco, Hayward, San Jose, Stockton, Richmond, Vallejo, Davis, Sacramento, Sausalito, San Rafael, Napa and Santa Rosa.

A public hearing was held before Examiner Geary at Los Angeles May 20, 1926, and the application having been duly submitted is now ready for our opinion and order.

Applicants are now engaged as common carriers for the transportation of household goods, furniture, etc., under tariffs lawfully on file with this Commission. The operative right of the California Highway Express extends from Los Angeles to San Francisco via the coast route through Santa Barbara and also via the valley route through Bakersfield. The Consolidated Furniture Moving Company operates between San Francisco and Sacramento via Tracy and Stockton and via Vallejo and Davis; between San Francisco and Santa Rosa via Sausalito and San Rafael and between Vallejo and Santa Rosa via Napa and Sonoma. Both companies also serve the points situated within a radius of 25 miles on each side of the main highway traversed.

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The record indicates a considerable and constant demand from the shipping public for a through route between points on applicants' respective lines and for the establishment of joint rates. It is claimed, because of the inherent nature of furniture and household goods, that the transferring of shipments at junction points is an exceedingly unsatisfactory arrangement because of the difficulty in handling and rehandling and the risk of loss and damage to the property. The present method of transferring at the interchange points is vigorously protested by the shipping public, and has resulted in the loss of much business to applicants, the public preferring to ship via a through service.

Applicants contemplate using the same auto truck from point of origin to final destination under a lease arrangement whereby the truck of the originating line will be turned over to, and operated by, the destination line from the junction point to ultimate destination of the consignment.

The rates proposed are based on the full combination of local rates less 40 cents per 100 pounds when the through rate is made up of two local rates; 80 cents per 100 pounds when three local rates are used and 40 cents per 100 pounds for each additional local rate over three used in the combination. The deductions of 40 cents or the multiples thereof represent the present loading and unloading charges.

Upon consideration of all the facts of record we are of the opinion and find that applicants should be authorized to establish and maintain for the transportation of household and office furniture and equipment, baggage and personal effects, household goods, trunks and pianos, joint rates as set forth in the application, between points served by the California Highway Express on the one hand and on the other, points served by the Consolidated Furniture Moving Company as specifically set forth in the application, such rates to be based on the full combination of local rates less 40 cents per 100 pounds when the through rate is made up of two local rates; 80 cents per 100 pounds when three local rates are used and 40 cents per 100 pounds for each additional local rate over three used in the combination, subject to the following conditions:

1. That the authority granted herein will not be construed as enlarging, altering, or changing in any manner applicants respective individual operative rights.

2. That specific point to point joint rates for this service will be published in a tariff constructed according to the rules of this Commission, together with the rules and regulations governing the transportation of the property.

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ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion preceding this order, which is hereby referred to and made a part hereof;

It is hereby ordered, that applicants, California Highway Express, Inc., and Consolidated Furniture Moving Company, Inc., be and they are hereby authorized to establish joint rates for the transportation of household and office furniture and equipment, baggage and personal effects, household goods, trunks and pianos between the points served by the California Highway Express on the one hand, and on the other, points served by the Consolidated Furniture Moving Company, as specifically set forth in the application, such joint rates to be based on the full combination of local rates, less 40 cents per 100 pounds when the through rate is made up of two local rates; 80 cents per 100 pounds when three local rates are used and 40 cents per 100 pounds for each additional local rate over three used in the combination, subject to the following conditions:

1. That the authority granted herein will not be construed as enlarging, altering, or changing in any manner applicants respective individual operative rights.

2. That specific point to point rates for this service rendered will be published in a tariff constructed according to the rules of this Commission, together with the rules and regulations governing the transportation of the property.

Dated at San Francisco, California, this twenty-eighth day of June, 1926.

DECISION No. 17019.

IN THE MATTER OF THE APPLICATION OF ONTARIO POWER COMPANY FOR AN ORDER AUTHORIZING THE ISSUE OF SIX PER CENT GENERAL AND REFUNDING BONDS.

Application No. 12895.

Decided June 28, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Glenn D. Smith, for Applicant.

BY THE COMMISSION.

OPINION.

Ontario Power Company asks permission to issue and sell at not less than 97 and accrued interest $76,000 of its 6 per cent general and refunding bonds and use the proceeds to reimburse its treasury on

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account of earnings expended for additions and betterments.

Applicant reports the cost of additions and betterments at $100,699.89. From this amount it deducts $11,120.30 on account of retirement of property, leaving a balance of $89,579.59. It is against a net expenditure of $89,579.59 that applicant asks permission to issue $76,000 of bonds.

On March 8, 1926, applicant filed with the Commission on a certified copy of its general and refunding mortgage and/or deed of trust. This provides for a "Series of 1925" issue of bonds in the amount of $250,000. "Series of 1925" bonds bear interest at the rate of 6 per cent per annum and mature on July 1, 1955. Bonds in the amount of 238,000 have heretofore been issued under permission granted by the Commission, leaving $12,000 of the "Series of 1925" unissued.

Under its mortgage applicant's board of directors can create new series of bonds and determine the maturity date and interest rate of the new series. It is of record that it has not been finally determined whether the new series of bonds will bear interest at the rate of 6 per cent or 5½ per cent. The maturity date will, however, be July 1, 1955.

Applicant asks permission to sell the bonds at not less than 97. We are of the opinion that if applicant concludes to create a new series of bonds bearing interest at the rate of 6 per cent per annum that the bonds should be sold for not less than par and that if it creates a new series of bonds bearing interest at the rate of 5½ per cent per annum that such 5½ per cent bonds should be sold by it on a 6 per cent basis or better.

At the hearing had on this application on June 21st before Examiner Fankhauser, applicant amended the same and as amended, asks permission to issue $47,600 of short term unsecured notes bearing interest at 7 per cent per annum, to renew a like amount of notes now outstanding.

The money obtained from the issue of the notes has been used by applicant to pay for additions and betterments.

ORDER.

Ontario Power Company having applied to the Railroad Commission for permission to issue $76,000 of bonds and $47,600 of notes, a public hearing having been held and the Commission being of the opinion that the money, property or labor to be procured or paid by such issue is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense or to income;

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It is hereby ordered, as follows:

1. Ontario Power Company may issue and sell on or before December 1, 1926, not exceeding $76,000 of its general and refunding bonds maturing on July 1, 1955, said bonds to be sold on a 6 per cent basis or better, and the proceeds, other than accrued interest, used to reimburse applicant's treasury on account of additions and betterments financed through the investment of earnings. The accrued interest may be used for general corporate purposes.

2. Ontario Power Company may issue its unsecured 7 per cent notes in the sum of not exceeding $47,600 payable on or before one year after date, for the purpose of refunding or renewing the $47,600 of notes, set forth in applicant's balance sheet as of April 30, 1926. If applicant issues notes for a term of less than one year it may renew the same from time to time, provided that the term of the original note and the term of any renewals thereof shall not exceed one year after the date of this order.

3. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $124.

4. Ontario Power Company shall keep such record of the issue, sale and delivery of the bonds herein authorized as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-eighth day of June, 1926.

DECISION NO. 17030.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION INTO THE REASONABLENESS OF THE RATES, RULES, SERVICES, REGULATIONS, AND PRACTICES OF THE GOLDEN GATE FERRY COMPANY.

Case No. 2221.

Decided July 2, 1926.

COMMISSION'S INVESTIGATION—AUTO FERRY—RATES AND SERVICE.—Finding the service of Golden Gate Ferry Company between San Francisco and Sausalito to be inadequate and the rate of return to be 17 per cent upon a rate base of $1,520,000 during 1925, and estimating the rate of return for 1926 at 14.6 per cent on a rate base of $1,909,780.93, the Commission finds the rates excessive but would be reasonable if sufficient money were invested to provide adequate facilities and a higher grade of service were rendered. Utility ordered to add two ferries to its equipment by February 1, 1927.

Devlin and Brookman and *Dudley D. Sales*, for Golden Gate Ferry Company.

SEAVEY, Commissioner.

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OPINION.

This is an investigation on the Commission's own motion to determine the reasonableness of the fares, rates, charges, practices, rules and regulations of the Golden Gate Ferry Company. Public hearings were held at San Francisco on April 12, May 4, and June 19, 1926.

The Golden Gate Ferry Company operates an auto ferry between slips at the foot of Hyde street in San Francisco and slips located adjacent to the Northwestern Pacific Railroad Company's terminal at Sausalito. The property owned and operated by the company consists of certain wharves, slips and miscellaneous structures located at the Hyde street terminal on lands leased from the harbor commissioners and certain wharves, slips and miscellaneous structures located at the Sausalito terminal on lands owned by the company. The fleet of ferryboats operated includes the following described boats:

Motor ship *Golden Gate,* a diesel electric, double-end motor-driven screw boat.

Motor ship *Golden West,* a diesel electric, double-end motor-driven screw boat.

Steamship *Avon J. Hanford,* a double-end screw-driven boat.

Steamship *Harry E. Speas,* a double-end screw-driven boat.

The reasonableness of the present rates will now be discussed.

The total investment in property and equipment as of December 31, 1925, as determined by the Commission's engineering department was $1,633,118.05, this amount being the investment as shown by the company's books and records.

In arriving at its estimate of a rate base, the engineering department has added to the investment shown above $219,912.88, as balance to be paid on motor ship *Golden State,* now under construction and about to be placed in service, and $43,000, an allowance for materials and supplies. This results in a total amount of $1,896,030.93. The company contends that an additional sum of $33,650, which is 50 per cent of the estimated additions and betterments for the year 1926, should be added.

It would appear that certain of these estimated additions and betterments are, in fact, renewals and should consequently be charged to the depreciation reserve, which the company has set up. That the company has not considered this in its estimates is perhaps explained by the fact that it has not been its practice to use this reserve except as a source from which to borrow funds for making improvements or other corporate purposes and that no charges have ever been made to the reserve at any time for any renewal. Inasmuch as this reserve has been set up to ultimately care for these costs, the costs when actually incurred should not be charged to capital or again charged to operation. Other of the items shown in the company's estimate of

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additions appear to be items of cost which will be properly chargeable to investment when incurred. This latter group, as shown by the detail, amounts to $27,500.

It appears that a reasonable average rate base for the year 1925, if established, would have been approximately $1,520,000.

The financial results of operation of this carrier for the year ending December 31, 1925, according to the company's records, appear as follows:

Operating revenue		$793,936 63
Operating expense	$438,186 26	
Depreciation	77,925 09	516,111 35
Net revenue		$277,825 28
Taxes		42,504 84
Operating income		$235,320 44

If the item of depreciation in this statement were corrected by reducing it $23,782, to provide for the charging to operating expense of an allowance for depreciation on a 5 per cent sinking fund basis, in accordance with the well established custom of this Commission in rate proceedings, instead of an a straight line basis, as charged by the company, the operating income for 1925 would be increased to $259,102.44. An income of this amount shows a rate of return of 17 per cent upon a rate base of $1,520,000.

The Commission's engineering department made an estimate of the results of operation for 1926. A similar estimate was prepared by the company. The two estimates differ only in a few relatively minor particulars and the record is quite complete in its analysis of the differences. It may be concluded from the evidence presented that the financial results of operation for the year 1926, which may reasonably be expected, are as follows:

Operating revenue	$852,028 00
Operating expense	522,727 00
Net revenue	$329,301 00
Taxes	50,943 00
Operating income	$278,358 00

If, to the investment of $1,633,118.05, found as of December 31, 1925, there were added the items of further investment proposed to be incurred by the company during 1926, amounting to $233,662.88, and also an allowance of $43,000 for material and supplies and working capital, there would result a total rate base figure of $1,909,780.93. The anticipated operating income for 1926 of $278,358 would give a 14.6 per cent return on such a rate base figure.

The above results of operation and the per cent return are based on the type and frequency of service given by the Golden Gate Com-

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pany prior to this proceeding, augmented only by the fifth boat now about to be placed in service. The reasonableness and adequacy of this service will now be discussed.

An investigation similar to the present proceeding was made in the latter part of 1924 and the early part of 1925 (Case No. 2039) at which time certain rate decreases were ordered into effect. At that time the company owned and operated but three boats and in the decision rendered by this Commission in said case No. 2039 (Decision No. 14725) the service given was found inadequate and an additional boat was recomended and an allowance made in the rate base for its purchase. In Decision No. 14725 the Commission said:

> While the normal traffic has apparently been well taken care of in the past with this capacity and service, the congestion that develops on Saturdays and Sundays, and especially on holidays, would be relieved considerably if a boat of larger capacity than the Hanford were available for peak traffic. However, it must be recognized that the route of travel served by the Golden Gate Ferry Company will be subject to a considerable increase of traffic and with that increase of traffic a more frequent regular service will be justified. Accordingly there is little doubt in our minds that the ferry facilities on this route must be substantially increased in the near future.

The Golden Gate Ferry Company subsequently purchased a new boat as recommended at that time by this Commission and now has under construction a fifth boat to be put in service probably in July of this year.

A very thorough investigation and analysis of the service given by the present fleet of the Golden Gate Ferry Company has been made by the engineering department in this case having in view the determination of the adequacy of the present service, the possible service to be given this year when the fifth boat is put into operation and the requirements that will obtain in 1927 if a sufficient and adequate service is to be given at that time.

The results of this analysis were presented in oral testimony by A. G. Mott, transportation engineer of the Commission, and by certain charts submitted as Commission's Exhibits Nos. 3, 4, 5 and 6. From this testimony it appears that the existing facilities of the Golden Gate Ferry Company were inadequate to handle the traffic offered during 1925 and that the fifth boat which is to be put in service this year should have been available and used during 1925 and that a sixth boat would have been necessary had a thoroughly adequate service been given. A comparison of the records for the first five months of 1925 and the corresponding period of 1926 shows that traffic has increased 37.3 per cent. Approximately 25 per cent of this increase was probably due to the rate decrease effective May 1, 1925. Inasmuch as five boats would have been inadequate in 1925, the service to be given in 1926 will be even more inadequate, nor does it appear physi-

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cally possible at this time to acquire the equipment necessary to provide an adequate service during the peak season of 1926.

Such facilities, however, may be provided for the 1927 traffic. Mr. Mott has estimated that seven boats will be needed at that time to give a sufficient service. This estimate was based upon the probable traffic for 1927 determined by a normal growth of twelve per cent a year. Inasmuch as the decreased rates were in effect for the peak period of 1925, that period consequently reflects the increase in traffic due to that decrease in rates, and therefore the traffic for 1925 has been used as a base to which a normal growth of twelve per cent per year for two years has been added to obtain an estimate of traffic for 1927. From this estimate of traffic it was determined that a seventh boat would be necessary, fifteen days for an average period of five hours a day and that on forty days there will be required the operation of a sixth boat for an average period of twelve hours a day.

An estimate of the results from operation that would obtain were this traffic and service realized in 1927 is shown in Commission's Exhibit No. 7. Inasmuch as this exhibit is based on the similar estimate made by the engineering department of the results from operation that would obtain with five boats in operation during 1926, such adjustments as were made in that estimate that are pertinent should also be taken into consideration in this esimate.

Making these adjustments the estimated results from operation during 1927 with seven ferry boats in service are as follows:

Operating revenue	$954,240 00
Operating expense	614,690 00
Net revenue	$339,550 00
Taxes	52,327 00
Operating income	$287,223 00

In Exhibit No. 7 there has been added to the rate base figure, stated above as $1,909,780.93, an allowance of $720,000 for the purchase of two new boats of similar type to that of the boat now under construction and also an allowance for other minor additional facilities amounting to $15,007, resulting in an estimated rate base of $2,644,-787.93. The above net income for 1927 would amount to a 10.9 per cent return on a rate base so estimated for that year.

Thus it appears that the Golden Gate Ferry Company earned a return of 17 per cent in 1925 and that it may expect a return of 14.6 per cent based upon a five-boat service as contemplated during 1926. It further appears that the present service is entirely inadequate for the traffic now obtaining and that to provide an adequate service for 1927 will require the use of seven boats which, if acquired and placed

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in operation, will, it is expected, result in a rate of return of 10.9 per cent.

Although this latter estimated rate of return is quite liberal, there should be taken into consideration the fact that in addition to the general hazard of the business, this carrier is faced with the possibility of more effective competition from another carrier serving this territory, in which event sufficient traffic might be deflected from the Golden Gate Ferry to materially reduce the rate of return as estimated. Under these circumstances, it does not seem proper to find that this rate of return is unreasonably high. The conclusion is inescapable, however, that based upon the present facilities in service and the quality of the service given with these facilities, the rates now charged by the company would be excessive but on the other hand, these same rates would be reasonable if sufficient money had been invested to provide adequate facilities and a higher grade of service were being rendered.

The Commission is faced with the question of deciding which of two alternatives would be of greater benefit to the public; either that the company be required to reduce its rates commensurate with the inferior service now being rendered, or that it be required to increase its service commensurate with the rates now being charged. The inadequacy of this service on peak days is so striking that it is believed that the latter course will be the more beneficial of the two to the public and the following recommended order so provides:

ORDER.

The Commission having, on its own motion, instituted an investigation into the reasonableness of the rates, rules, service, regulations and practices of the Golden Gate Ferry Company, public hearings having been held, the matter being under submission and ready for decision:

It is hereby found as a fact that the facilities provided and the service rendered by the Golden Gate Ferry Company are inadequate to meet the public needs and basing its order upon the foregoing finding of fact and other findings of fact in the opinion preceding this order;

It is hereby ordered, that the Golden Gate Ferry Company be and it is hereby directed to construct, purchase or acquire, on or before the first day of February, 1927, at least two additional ferryboats of a capacity and design which shall meet the approval of this Commission and to thereafter operate said ferryboats, together with their existing fleet, or its equivalent, in its service beween San Francisco and Sausalito at all times that traffic requirements justify.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

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The effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17031.

THE VITREFRAX COMPANY

vs.

SOUTHERN PACIFIC COMPANY.

Case No 2192.

Decided July 2, 1926.

RATES—STEAM RAILROAD—REPARATION.—Defendant carrier directed to refund with interest to complainant all charges collected in excess of 12½ cents per 100 pounds on two carloads of silica rock moving from Ogilby to Los Angeles, March 13, 1925, and June 11, 1925.

T. F. McCue and *E. M. Bush*, for Complainant
J. E. Lyons, for Defendant.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, with its principal place of business at Los Angeles is engaged in the manufacture and sale of fire brick, refractories and fire clay products. They allege by complaint filed November 3, 1925, that the rates assessed on three carloads of a commodity claimed to be silica rock moving March 13, 1925, June 11, 1925, and September 25, 1925, respectively, from Ogilby to Los Angeles were unjust and unreasonable to the extent they exceeded 10 cents per 100 pounds.

The rate charged and collected on the shipments moving March 13, 1925, and June 11, 1925, was 15½ cents per 100 pounds, and on the shipment moving September 25, 1925, 12½ cents per 100 pounds. The former was the applicable rate on talc and the latter the applicable rate on silica rock. It is alleged that the first two carloads were incorrectly classified as talc.

Reparation and a rate for the future are sought.

A public hearing was held before Examiner Geary at Los Angeles, March 30, 1926, and the case having been duly submitted is now ready for our opinion and order.

Ogilby is 236.8 miles east of Los Angeles on defendant's main line. Complainant has at this point ten mining claims acquired in the early part of 1925 and from these properties is mined a mineral commodity which when processed and mixed with crude clay at the Los Angeles factory forms a bonding material used to strengthen certain manufactured articles. The complainant maintains that the crude commodity shipped from Ogilby is silica rock. Defendant holds it to be

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a crude clay and contends that the shipments were undercharged to the extent of the difference between the rates collected and the applicable Class E rate of 24 cents.

Complainant uses at its plant in Los Angeles a crude clay from deposits at Alberhill and San Juan Capistrano and the record indicates that the clay from those points and the so-called silica rock from Ogilby have very much the same chemical constituents although differing in their physical form. The predominating element of both is silica. A chemical analysis of the three cars of rock from Ogilby shows an average content of silica of 62.03 per cent, and of alumina 32.3 per cent, while on two carloads of crude clay from San Juan Capistrano the chemical analysis shows an average silica content of 50.15 per cent and of alumina 32.97 per cent.

The chief chemist of complainant testified that although chemically these two commodities are similar, physically they are vastly different, clay being plastic, soft to the touch with a comparatively high loss on ignition while the rock commodity from Ogilby is not plastic, is hard to the touch and has a low loss on ignition. This witness was of the opinion that any commodity containing a silica content of over 50 per cent and having the physical characteristics of the article shipped from Ogilby should be classified as silica rock.

The professor of chemistry at the University of Southern California, called as a witness on behalf of defendant, testified that while there was no absolute or specific definition of commercial silica rock, an article to be so designated should contain not less than 90 per cent of silica and, in his opinion, the commodity from Ogilby was related to the clays and was not a silica rock.

A specimen of the article from the mines at Ogilby, introduced as Exhibit No. 6, indicates that it has all of the general characteristics of rock but whether it should be classified as silica rock or crude clay can not, in view of the conflicting testimony, be determined on this record.

In the absence of a definite and specific name for the commodity it becomes incumbent upon the Commission to determine on the record what would be a reasonable charge for the transportation rendered, and to order reparation of the excess charges, if any. The shipments here at issue consisted of a comparatively low grade commodity having a value of approximately $3 per ton f.o.b. cars at point of origin. The average loading was 91,653 pounds and for 237 miles produced a car mile revenue of 60 cents and per net mile revenue 13.08 mills, under the rate of 15½ cents and a per mile revenue of 48 cents and per ton mile revenue of 10.55 mills under the rate of 12½ cents.

Complainant compares the assailed rates with the concurrently effective rate of 9 cents on clay from Alberhill to Los Angeles, 102

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miles, and 5½ cents from San Juan Capistrano to Los Angeles, 56 miles. Based on the per car loading of the shipments the 9-cent rate would yield 80.8 cents per car mile and 17.64 mills per ton mile and under the 5½ cent rate would yield 90 cents per car mile and 19.64 mills per ton mile. Reference is also made by complainant to a rate of 11½ cents on silica sand from Lake Majella to Los Angeles, 381 miles, but the record shows that this rate is depressed by reason of a water competition through the port of Monterey, Lake Majella being located within a short distance of and easily accessible by auto truck.

Upon consideration of all the facts of record we are of the opinion and find that a reasonable rate for the transportation of the rock shipped by complainant from Ogilby to Los Angeles during the period here involved, and for the future, will be the same as the contemporaneously effective commodity rate of 12½ cents applicable on silica rock from Ogilby to Los Angeles. We further find that the charges assessed and collected on the two shipments moving March 13, 1925, and June 11, 1925, were unreasonable to the extent they exceeded the charges that would have accrued at the rate herein found reasonable; that complainant paid and bore the charges on the shipments in question and has been damaged to the extent of the difference between the charges paid and those that would have accrued at the rate herein found reasonable and is entitled to reparation with interest.

Defendant will be required to establish a rate of 12½ cents Ogilby to Los Angeles for the future and in the event complainant and defendant can not agree on the proper tariff designation of the commodity in question the matter may again be referred to the Commisssion.

ORDER.

This case being at issue on complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which is hereby referred to and made a part hereof;

It is hereby ordered, that defendant, Southern Pacific Company, be and it is hereby authorized and directed to refund, with interest, to complainant, Vitrefrax Company, a corporation, all charges it may have collected on the two carloads involved in this proceeding, moving March 13, 1925, and June 11, 1925, respectively from Ogilby to Los Angeles in excess of those that would have accrued at a rate of 12½ cents per 100 pounds.

It is further ordered, that defendant, Southern Pacific Company, be and it is hereby notified and required to cease and desist on or before August 25th, and thereafter to abstain from assessing, maintaining, or applying rates on the commodity here at issue, from Ogilby to Los Angeles, which shall exceed 12½ cents per 100 pounds.

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It is hereby further ordered, that defendant, Southern Pacific Company, be and it is hereby notified and required to establish on or before August 25, 1926, upon notice to this Commission and to the general public of not less than five days filing and posting in the manner prescribed in section 14 of the Public Utilities Act, a rate on the commodity here at issue from Ogilby to Los Angeles which shall not exceed 12½ cents per 100 pounds.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17032.

DERBY ESTATE COMPANY, A CORPORATION,

vs.

SOUTHERN PACIFIC COMPANY, A CORPORATION.

Case No. 2213.

Decided July 2, 1926.

GRADE CROSSING—STEAM RAILROAD—PRIVATE CROSSING.—Finding that the requested crossing is not required by public convenience and necessity, the Commission dismissed the complaint.

Mr. A. K. P. Harmon, for the Derby Estate Company.
Mr. H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION.

OPINION.

This is a proceeding filed by the Derby Estate Company as a complaint against the Southern Pacific Company in which a private crossing is asked by complainant over the tracks of defendant. Defendant Southern Pacific Company has refused its consent to the construction of this private crossing at grade across the tracks of the so-called "Alameda horseshoe line" of its Alameda, Oakland and Berkeley suburban service near Fruitvale station. Public hearing was held before Examiner Satterwhite at San Francisco on May 14, 1926.

The Derby Estate Company owns a tract of land lying in the southwest corner of the intersection formed by the right of way of the Southern Pacific Company's line through Fruitvale and the right of way of the above mentioned Horseshoe line which is parallel to and west of Fruitvale avenue. This property is bounded on the southwest by Elmwood avenue, on the southeast and east by the right of way of the Alameda line of the Southern Pacific Company and on the north and west by lands owned by other holders. The Derby Estate Company desires to subdivide and sell this land for industrial purposes and in order to get a maximum use of the tract proposes to install spur tracks leading from the south on the Alameda branch of the Southern Pacific and turning westerly and running parallel to Elm-

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wood avenue the full width of the tract. It is proposed to install two of the spur tracks on 13-foot centers abou 180 feet north of Elmwood avenue and a third spur track along the northerly edge of the property. It is also proposed to install a 60-foot street running east and west through the tract half way between these two sets of spur tracks. The crossing desired is to be used in connection with this proposed street. The proposed crossing is approximately 440 feet distant from the center of the existing public crossing at Elmwood avenue.

A. K. P. Harmon, witness for the Derby Estate Company, testified that although the proposed crossing was requested as a private crossing for the Derby Estate Company, it would be used by the general public in carrying on their business with the various industries which might later occupy the tract, although at the present time the tract is merely a bare field without improvements.

Considerable testimony was taken relative to the physical conditions surrounding the crossing sought and relative to necessity therefor. This evidence will now be discussed.

The Southern Pacific Company objects to the opening of this crossing and takes the position that this tract can be adequately served by the construction of a street along the westerly boundary of the tract from Elmwood avenue north to the east and west street proposed by the Derby Estate Company. The railroad company claims that such a street would give access to all of the industries in this tract and would confine traffic to the existing crossing on Elmwood avenue or would give an outlet to the west via Elmwood avenue and Twenty-ninth avenue, which latter is a highly improved artery connecting with East Fourteenth street but which crosses all of the main tracks and electric suburban tracks of the Southern Pacific Company running through Fruitvale.

The record shows that the Railroad Company operates from 46 to 50 electric movements and 21 or 22 steam movements daily over the Alameda branch tracks intersected by the proposed crossing. Fourteen of the steam train movements are through movements into Alameda. The speed of the electric trains averages about 22 miles an hour and the speed of the steam trains averages about 15 miles per hour.

Witness for the Derby Estate Company, in answer to the position of the Southern Pacific Company, stated that the proposed road along the westerly side of the property would be difficult to find, on account of its being a back entrance into the property, as compared to the ease with which the proposed east and west street could be reached by the crossing applied for. He also stated that the construction of this road would cut off some 60 feet from each spur track and prevent their extension into the adjoining property. It does not appear that the

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latter condition necessarily follows as the spur tracks could be extended across the roadway.

The position of this Commission, with regard to the construction of crossings at grade, at short intervals, across the tracks of this suburban line, was fully set forth in its Decision No. 3917, Application No. 2573, which covered the application by the city of Oakland for a crossing at grade at Chapman street, a street a short distance south of Elmwood avenue. Although this decision was rendered on December 6, 1916, street conditions in this vicinity are practically the same as described at that time in that decision.

It appears to the Commission that this property could be served almost as well by the road layout proposed by the Southern Pacific Company as by the route proposed by complainant and that the inconvenience caused the owners of this tract by such a layout is more than offset by the elimination of the hazard which would be created by the construction of another crossing at grade but 440 feet distant from the existing crossing at Elmwood avenue.

From the testimony presented in this proceeding, the construction of a crossing at grade at the location proposed, which is but 440 feet from an existing public crossing serving a road adjacent to one side of the property owned by complainant, does not appear necessary and this complaint will therefore be dismissed.

ORDER.

A public hearing having been held on the above entitled proceeding, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that the above entitled complaint be and it is hereby dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17033.

SOUTHWEST ONYX AND MARBLE COMPANY

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, AND SIERRA RAILWAY COMPANY OF CALIFORNIA.

Case No. 2246.

Decided July 2, 1926.

RATES—STEAM RAILROAD—MARBLE BLOCKS—REPARATION.—Defendants directed to refund to complainant $121.60 on account of unreasonable charges collected on

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three carloads of rough marble blocks moving from Tuttletown to San Diego, March 1, 1924, to November 1, 1924.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, with its principal place of business at San Diego, California, is engaged in the dressing, lettering, polishing, manufacture, sale and distribution of articles made from stone, granite and marble. It is alleged by complaint filed June 7, 1926, that the rates assessed and collected on three carload shipments of rough marble blocks, moving during the period from March 1, 1924, to November 1, 1924, from Tuttletown to San Diego, were unjust and unreasonable to the extent they exceeded 47 cents per 100 pounds.

The shipments here involved were registered with the Commission on June 15, 1925, our file No. I. C. 33090, thus staying the statute of limitation.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Tuttletown is located on the Sierra Railway Company of California and San Diego on The Atchison, Topeka and Santa Fe Railway. The shipments moved via the Sierra Railway to Oakdale, thence The Atchison, Topeka and Santa Fe Railway. The rate assessed and collected on two carloads was 55 cents and on one carload 57½ cents. The 55-cent rate was a combination of commodity and class rates made over San Francisco, the factor from Tuttletown to San Francisco being 19½ cents and from San Francisco to San Diego 35½ cents. The 57½ cent rate was a combination of commodity and class rates over Los Angeles, the factors being 36 cents from Tuttletown to Los Angeles and 21½ cents beyond. The rate sought by complainant is based on the present combination of rates over Los Angeles, using the aforementioned commodity rate of 36 cents, Tuttletown to Los Angeles, plus a commodity rate of 11 cents, Los Angeles to San Diego, the latter established by defendant, The Atchison, Topeka and Santa Fe Railway, effective February 15, 1925.

During the period the shipments here involved moved, the 11 cent factor from Los Angeles to San Diego was only applicable on marble blocks, dressed, chiseled, traced, polished, lettered or carved and it is maintained by complainant that the factor of 21½ cents, Los Angeles to San Diego applicable on rough marble blocks, was unreasonable to the extent it exceeded the 11 cent rate on marble blocks in a further state of manufacture.

Defendant The Atchison, Topeka and Santa Fe Railway, the only party interested, admits the allegation of the complaint and has signified a willingness to make a reparation adjustment; therefore, under the issues as they now stand, a formal hearing will not be necessary.

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Upon consideration of all the facts of record, we are of the opinion and find that the assailed rates were unjust and unreasonable to the extent they exceeded 47 cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation in the sum of $121.60.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, The Atchison, Topeka and Santa Fe Railway Company and Sierra Railway Company of California, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Southwest Onyx and Marble Company, reparation in the amount of $121.60, account unreasonable charges collected on three carloads of rough marble blocks, involved in this proceeding, moving during the period from March 1, 1924, to November 1, 1924, from Tuttletown to San Diego.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17036.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR THE OJAI-VENTURA AND LOS ANGELES EXPRESS FOR AUTHORITY TO READJUST CLASS RATES BETWEEN LOS ANGELES AND VENTURA.

Application No. 12704.
Decided July 2, 1926.

RATES—AUTO TRUCK—CLASS RATES.—Application granted.

Phil Jacobsen and *Lewis A. Monroe,* for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by Lewis A. Monroe as agent for the Ojai-Ventura and Los Angeles Express seeking authority to readjust its scale of freight class rates, first, second, third, and fourth, applicable to the transportation of property by motor truck between Los Angeles and Ventura.

Public hearings were held before Examiner Geary at Los Angeles May 20, 1926, and June 17, 1926, and the application having been duly submitted is now ready for our opinion and order.

The operative rights of applicant extend from Los Angeles to Ojai, a distance of approximately ninety-five miles. Ventura is located fifteen

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miles south of, and intermediate to, Ojai. The Los Angeles and Santa Barbara Motor Express Company serves the territory between Los Angeles and Ventura, and in addition to that carrier there are two other truck lines serving the territory between Los Angeles and points in close proximity to Ventura, namely, the Los Angeles and Oxnard Daily Express and Tuckers' Truck and Transportation Co. In Applications Nos. 12702, 12703 and 12705, Decision No. 16785, dated May 28, 1926, we authorized these three common carriers to establish uniform class rates of 60 cents first class; 50 cents second class; 40 cents third class and 30 cents fourth class, between Los Angeles and points in the same general territory contiguous to Ventura. Prior to authorization granted in Decision No. 16785, *supra*, there was a lack of uniformity in the volume of the rates charged via the competing lines thus creating a rate adjustment unsatisfactory to both the shipping public and the carriers.

Applicant now seeks authority to place in effect the same rates as maintained by the three other carriers operating in this competitive territory, thus placing all four lines on a rate equality. The effect of the instant adjustment will be to increase the first, second and third class rates of applicant, with no change in the fourth class. The record indicates that approximately 75 per cent of the tonnage moves under the fourth class rate and it is maintained by applicant that the changes in the first, second and third class rates, will not produce any substantial increase in revenue, the adjustments sought being primarily for the purpose of uniformity.

Applicant's Exhibit 2 shows that for a five months' period extending from January to May, 1926, inclusive, the operating revenue under the present rates was $24,470.71 and the operating expenses, during the same period, were $24,017.68, resulting in a net operating gain of $453.03, or approximately $90 per month.

There was no opposition, but a number of witnesses, traffic representatives of large Los Angeles shippers, appeared and urged the granting of the application.

Upon consideration of all of the facts of record we are of the opinion and find that the applicant should be authorized to readjust its class rates as set forth in the application and that the application should be granted.

ORDER.

This application having been duly submitted, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order, which said opinion is made a part hereof;

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It is hereby ordered, that applicant, Ojai-Ventura and Los Angeles Express, be and it is hereby authorized to publish, upon not less than ten days' notice to the Commission and to the public in tariffs constructed in accordance with the rules of the Commission, the proposed class rates as set forth in the application.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17037.

IN THE MATTER OF THE APPLICATION OF JOHN A. STERLING AND GEORGE A. SMITH FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS AND TO FIX RATES.

Application No. 12883.

Decided July 2, 1926.

RATES—ELECTRIC UTILITY—TO ESTABLISH—FRANCHISE—TO EXERCISE.—Applicants authorized to exercise franchise for the distribution of electric energy in Calaveras county. Rates established therefor.

John A. Sterling and *George A. Smith, in propria persona.*

BY THE COMMISSION.

OPINION.

John A. Sterling and George A. Smith in this application ask permission to exercise rights and privileges granted by Ordinance No. 160, adopted April 7, 1924, by the board of supervisors of Calaveras County, and further ask the Commission to fix electric rates.

Applicants have, at a cost of about $1,500, constructed a small electric power plant and intend to distribute electric energy in West Point and vicinity, Calaveras County. Applicants' electric energy is produced by a small hydro-electric plant, with a capacity of 9000 watts. It is of record that applicants have also acquired and installed a small steam plant as an auxiliary. The plant was placed in operation some time ago and applicants now have 14 electric consumers.

While the franchise (Ordinance No. 160) authorizes applicants to construct, maintain and operate an electrical distributing system throughout West Point voting precinct, applicants have requested that the Commission at this time grant them permission to exercise the rights and privileges granted by said franchise only to the extent necessary to construct, maintain and operate an electric plant for the purpose of supplying electric energy to residents of West Point and vicinity.

The testimony shows that applicants have expended $53 to acquire the rights granted by Ordinance No. 160.

Applicants propose to charge a flat rate of $1.25 per month based

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on 40-watt lamps for one light, 25 cents for the second light and 15 cents each for any additional lights. These rates appear reasonable and applicants may charge the same until further ordered by the Commission.

ORDER.

John A. Sterling and George A. Smith having applied to the Railroad Commission for permission to construct, maintain and operate an electric plant and for an order establishing rates, a public hearing having been held before Examiner Fankhauser:

It is hereby found that the rates herein established are just and reasonable rates; and basing its order upon the foregoing finding of fact and any other statements of facts contained in the opinion which precedes this order:

It is hereby ordered, as follows:

1. Public convenience and necessity require and will require John A. Sterling and George A. Smith to exercise the rights and privileges obtained by Ordinance No. 160, adopted April 7, 1924, by the board of supervisors of Calaveras County to the extent necessary to construct, maintain and operate the electric plant at West Point referred to in the opinion which precedes this order, and to sell electric energy to residents of West Point and the immediate vicinity, provided that they, their successors and assigns, will never claim a value for said rights and privileges in excess of $53, the amount paid to the grantor of said rights and privileges. (Ordinance No. 160.)

2. John A. Sterling and George A. Smith are hereby authorized and directed to file with the Railroad Commission on or after the effective date of this order the following schedule of rates to be charged for electric energy delivered to consumers on and after the date of filing the following rates:

Flat Rates.

(a) $1.25 per month for one light on basis of 40-watt lamps.
(b) $0.25 per month for the second light on basis of 40-watt lamps.
(c) $0.15 per month for each and every additional light, on basis of 40-watt lamps.

3. John A. Sterling and George A. Smith are hereby directed to file with the Railroad Commission for its approval, within thirty days after the effective date hereof, rules and regulations governing the service to its consumers, said rules and regulations to become effective upon their approval and acceptance by the Commission.

For all purposes not otherwise specified herein, the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this second day of July, 1926.

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DECISION No. 17039.

IN THE MATTER OF THE APPLICATION OF CENTRAL MENDOCINO COUNTY POWER COMPANY FOR AN ORDED AUTHORIZING THE ISSUANCE OF THIRTY THOUSAND DOLLARS OF TEN-YEAR SIX PER CENT NOTES.

Application No. 12897.
Decided July 2, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Edward Morris, for Applicant.
John S. Prell in propria persona, and for other stockholders, Protestant.

BY THE COMMISSION.

OPINION AND ORDER.

Central Mendocino County Power Company asks permission to execute second mortgage and to issue three notes of $10,000 each, bearing interest at 6 per cent per annum, each payable in annual installments of $1,000 for the purpose of refunding outstanding indebtedness.

By Decision No. 15590, dated October 31, 1925, in Application No. 11804, the company was authorized, among other things, to issue $30,000 of unsecured notes, payable on or before three years after date, with interest at not exceeding 5 per cent per annum, to refund three short-term notes for $10,000 each then outstanding, which had been issued to finance, in part, the cost of constructing or acquiring applicant's plants and properties. Applicant now reports that in place of the $30,000 of notes, due August 7, 1928, it desires to issue three new notes for $10,000 each, payable in annual installments over a period of ten years, final payment being April 1, 1936. The effect of this transaction, and the purpose of this application, is to spread the maturity of the indebtedness over a period of ten years, instead of having the entire amount fall due at one time.

Mr. Prell, although in favor of having the company execute a second mortgage, questions two provisions of the proposed mortgage and suggests that the maturity of the notes and the time for the partial payments be fixed at a date so that several months would elapse between such date and the date on which the company must pay interest and sinking fund on its first mortgage bonds. The record shows that it is the intention of the company to make monthly deposits to accumulate funds to pay the interest and principal of the notes. If this is done, there is no need to change the maturity date of the notes. We have considered the provisions of the proposed mortgage and find the same to be in satisfactory form.

A public hearing was held in the matter, before Examiner Fankhauser. The Commission has given consideration to applicant's request

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and is of the opinion that it should be granted as herein provided, that the money, property or labor to be procured or paid for through the issue of the notes herein applied for, is reasonably required by applicant, for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income; therefore,

It is hereby ordered, that Central Mendocino County Power Company be and it hereby is authorized to execute a mortgage, substantially in the same form as that filed with the application herein, and to issue three notes for $10,000 each, bearing interest at not exceeding 6 per cent per annum, and each payable in annual installments of $1,000 and maturing in their entirety on April 1, 1936, for the purpose of paying or refunding the outstanding notes of $30,000 to which reference is made herein.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage is for the purpose of this proceeding only, and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage as to such other legal requirements to which said mortgage may be subject.

2. Applicant shall keep such record of the issue of the notes herein authorized as will enable it to file within thirty days thereafter a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has filed with the Commission a verified statement showing that applicant's stockholders have authorized the execution of the mortgage and the issue of the notes.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17040.

IN THE MATTER OF THE APPLICATION OF CORONA CITY WATER COMPANY, A CORPORATION, FOR AUTHORITY TO REFUND NOTES.

Application No. 12911.

Decided July 2, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Walter S. Clayson, for Applicant.

BY THE COMMISSION.

OPINION.

Corona City Water Company has applied to the Railroad Commission for an order authorizing it to execute and issue its promissory notes as follows:

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1. A note for $30,000 in favor of Temescal Water Company due on or before three years from date, with interest at the rate of 6 per cent per annum, payable quarterly, for the purpose of refunding an existing note for a like amount dated December 10, 1925; and

2. A note for $10,000 in favor of First National Bank of Corona, California, due on or before June 18, 1927, with interest at the rate of 6 per cent per annum, payable quarterly, for the purpose of refunding an existing note for a like amount in favor of said bank dated March 18, 1926.

The application shows that Corona City Water Company is engaged in the business of furnishing and supplying water for domestic purposes to the inhabitants of the city of Corona, Riverside County. It appears that the company obtains its water supply from Temescal Water Company, a mutual corporation, through the ownership of stock of said company.

Prior to December 5, 1924, applicant owned 500 shares of the capital stock of Temescal Water Company. It reports that in order to furnish its customers with an ample supply of water and to provide for the growing needs of the community, applicant found it necessary to acquire additional shares of stock and on December 10, 1924, purchased 200 more shares of stock of Temescal Water Company, issuing in payment therefor its one-year 6 per cent promissory note for $30,000 dated December 10, 1924.

On December 10, 1925, applicant renewed the note for a period of one year, without an order from this Commission. It clearly appears, however, from the testimony in this matter, that applicant was unaware of the necessity of obtaining permission from this Commission and issued its refunding note without obtaining permission from the Commission through inadvertence, with no intent to evade the provisions of the Public Utilities Act. Applicant now asks permission to issue a three-year note to refund this indebtedness.

Applicant also asks permission to issue a $10,000 note due June 18, 1927, to renew a note in favor of First National Bank of Corona. It appears that on September 19, 1925, applicant issued its promissory note to First National Bank of Corona for $10,000 due ninety days after date with interest at 6 per cent, that such note was thereafter renewed on December 19, 1925, for a period of ninety days and again on March 18, 1926, for a like period. Applicant reports that it is impossible for it to pay the indebtedness at this time and it therefore proposes to renew it again for a period of one year. The record herein indicates that the $10,000 indebtedness originally was carried as an open account indebtedness due Temescal Water Company and represented advances made by that company to applicant over a period of years and used by

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applicant in the conduct of its business and to pay for extensions, additions and betterments..

ORDER.

Corona City Water Company having applied to the Railroad Commission for permission to issue notes, a public hearing having been held before Examiner Williams, and the Commission being of the opinion that the application should be granted, as herein provided, and that the issue of the notes is reasonably required by applicant for the purposes specified herein;

It is hereby ordered, that Corona City Water Company be and it hereby is authorized to issue its promissory note for $30,000 in favor of Temescal Water Company due on or before three years after date with interest at not exceeding 6 per cent per annum for the purpose of refunding an existing note for a like amount dated December 10, 1925, and to issue its promissory note for $10,000 in favor of First National Bank of Corona due on or before June 18, 1927, with interest at not exceeding 6 per cent per annum for the purpose of refunding an existing note for a like amount dated March 18, 1926.

It is hereby further ordered, that Corona City Water Company shall keep such record of the issue and delivery of the notes herein authorized as will enable it to file within thirty days after such issue and delivery a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $40.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17041.

IN THE MATTER OF THE APPLICATION OF M. F. REAGAN AND LOS ALAMITOS WATER COMPANY FOR AN ORDER APPROVING SALE AND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 12921.

Decided July 2, 1926.

TRANSFER—WATER UTILITY—TO SELL.—Application granted.

William A. Conover, for Applicant.

BY THE COMMISSION.

OPINION.

In this proceeding the Railroad Commission is asked to make an order authorizing M. F. Reagan to transfer a small public utility water

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system to Fred Schneider and authorizing Fred Schneider to transfer the properties to a trust known as Los Alamitos Water Company.

M. F. Reagan is the owner of a water system used to supply water for domestic purposes in and about the town of Los Alamitos, Orange County. From his annual report to the Commission for the year 1925 it appears that water is obtained by pumping from two wells, located in Los Alamitos, and distributed from a 10,000 gallon redwood tank through about 30,850 feet of standard screw pipe to about 145 consumers, all metered. Mr. Reagan reports that his investment in fixed capital is $15,249 and that there is no encumbrance or indebtedness outstanding against the system.

It now appears that due to ill health Mr. Reagan is compelled to retire from actual management and operation of the water plant and that he has arranged, for a nominal consideration, to transfer a one-third interest in the properties to Robert C. Bloomquist who will have direction of the business and look after all the details of maintenance and administration and a one-third interest to Jennie W. Bloomquist, who will have charge of the office work, bookkeeping, collections, correspondence, etc., and that he will retain a one-third interest for himself. It further appears that it has been decided to operate the properties and business by a trust, rather than by another form of organization, and to that end an agreement and declaration of trust was entered into as of May 27, 1926, a copy of the instrument being filed with the petition herein as Exhibit "A."

As a first step in effecting the new arrangement M. F. Reagan will transfer the water properties to Fred Schneider. Thereafter Fred Schneider, as trustor, will transfer the properties, as provided in the agreement and declaration of trust, to Jennie W. Bloomquist, Robert C. Bloomquist and Michael F. Reagan, as trustees of the trust created by the agreement, who in their collective capacity are to be designated as Los Alamitos Water Company. The trustees thereupon will operate the water system, during the duration of the trust, which will continue for a period of twenty-five years after the date thereof, for the beneficial owners, who, in the first instance, will be Michael F. Reagan, Jennie W. Bloomquist and Robert C. Bloomquist.

Although the agreement provides that the beneficial interests, or any part thereof, are assignable, no authority is requested to issue certificates of beneficial interest or ownership. We believe that in the event any of the beneficial owners hereafter desire to transfer their interest that application must first be made to, and permission received from, the Commission.

Upon the record herein we are of the opinion that it will be in the public interest for this application to be granted, as provided in the order following this opinion and for Los Alamitos Water Company to

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acquire and operate the water system and properties now owned and operated by M. F. Reagan.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of a public utility water system, a public hearing having been held before Examiner Williams and the Commission being of the opinion that the application should be granted as herein provided;

It is hereby ordered, that M. F. Reagan be and he hereby is authorized to transfer to Fred Schneider the public utility water system owned by him in Los Alamitos, Orange County, and referred to in the foregoing opinion, and Fred Schneider be and he hereby is authorized to transfer the system to Michael F. Reagan, Jennie W. Bloomquist and Robert C. Bloomquist, trustees of the trust created by the agreement and declaration of trust, dated May 27, 1926, which agreement and declaration of trust said Fred Schneider and Michael F. Reagan, Jennie W. Bloomquist and Robert C. Bloomquist, trustees, are hereby authorized to execute.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute an agreement and declaration of trust is for the purpose of this proceeding only and is granted only in so far as this Commission might have jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said agreement and declaration of trust as to such other legal requirements to which said agreement and declaration of trust may be subject.

2. Within thirty days after the transfer of the properties herein authorized Los Alamitos Water Company shall file with the Commission a certified copy of the deed, or deeds, under which it acquires or holds title to the properties herein authorized to be transferred, and shall at the same time file a certified statement showing the exact date upon which it took possession of such properties.

3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17042.

IN THE MATTER OF THE APPLICATION OF RIVERS WAREHOUSE COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 12932.

Decided July 2, 1926.

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SECURITIES—STOCK—TO ISSUE.—Application granted.

Oscar Samuels, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

Rivers Warehouse Company, a corporation engaged in the general warehousing business in San Francisco, asks the Railroad Commission to make an order authorizing it to issue $1,000 of its common capital stock.

The application shows that Rivers Warehouse Company was organized on or about June 19, 1924, with an authorized capital stock of $100,000, divided into 100,000 shares of the par value of $1 each, all common, and that the corporation issued, or attempted to issue, $1,000 of stock to pay for furniture and fixtures and miscellaneous warehouse equipment, the cost of which is reported at $1,112.30 and which is more fully set forth in a schedule annexed to the application.

Applicant did not apply to this Commission for permission to issue its stock. It clearly appears, however, that those in control of the affairs of the corporation were unaware of the necessity of obtaining such permission and caused the corporation to issue its stock without doing so, through inadvertence and with no intent to evade the provisions of the Public Utilities Act. The present application is made to issue stock in lieu of that thus illegally issued.

A public hearing on this application was held before Examiner Fankhauser. The Railroad Commission is of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required by applicant for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income; therefore,

It is hereby ordered, that Rivers Warehouse Company, a corporation, be and it is hereby authorized to issue on or before September 1, 1926, $1,000 of its common capital stock, in lieu of stock of like amount heretofore issued without an order from the Railroad Commission, to pay for the furniture, fixtures and equipment, set forth in the schedule filed with the application herein.

It is hereby further ordered, that Rivers Warehouse Company shall keep such record of the issue of the stock herein authorized as will enable it to file, within thirty days thereafter, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this second day of July, 1926.

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DECISION No. 17043.

IN THE MATTER OF THE APPLICATION OF SPRING VALLEY WATER COMPANY, A CORPORATION, AND THE OLYMPIC CLUB, A CORPORATION, FOR ORDER AUTHORIZING SAID SPRING VALLEY WATER COMPANY TO SELL CERTAIN PROPERTY TO SAID THE OLYMPIC CLUB AND TO LET CERTAIN PROPERTY TO SAID THE OLYMPIC CLUB.

Application No. 12960.

Decided July 2, 1926.

TRANSFER—REAL PROPERTY—TO LEASE—TO SELL.—Spring Valley Water Company authorized to sell 4.893 acres of land to The Olympic Club for $19,572, and to lease 17.35 acres to that club.

McCutchen, Olney, Mannon and Greene, for Spring Valley Water Company.
William F. Humphrey, for The Olympic Club.

BY THE COMMISSION.

OPINION AND ORDER.

Spring Valley Water Company has applied to the Railroad Commission for permission to sell to The Olympic Club a tract of land situate, lying and being partly in the city and county of San Francisco and partly in the county of San Mateo, containing 4.893 acres and particularly described in the form of agreement of purchase and sale of real property attached to the application herein and marked Exhibit "A." The consideration to be paid for the land is stated at $19,572, of which $2,796 was paid upon execution of the agreement between the two parties and the balance will be payable in six equal annual installments of $2,796 on the first day of May of each of the years 1927 to 1932, inclusive.

As a part of the same transaction the water company desires, and has applied for permission, to lease to The Olympic Club a tract of land situate, lying and being partly in the city and county of San Francisco and partly in the county of San Mateo containing 17.35 acres and particularly described in the form of lease attached to the application and marked Exhibit "B," for a term of fifteen years commencing June 1, 1926, unless otherwise sooner terminated, at an annual rental of $867.50 plus the payment of taxes, assessments and dues levied thereon, not including extraordinary assessments levied on the premises in respect to capital improvements for local and permanent benefit.

It is reported that the two tracts of land are useful to the water company in the performance of its obligations to the public, for watershed purposes only, and the company alleges that the sale of the 4.893 acres and the lease of the 17.35 acres, and the use to which the land will be put by The Olympic Club, will not impair, injure or affect the water

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supply of the city and county of San Francisco or the usefulness of the Laguna de la Merced and its watershed as a source of water supply. The two agreements provide that The Olympic Club will be required to keep the property clean and free from any and all nuisances and things which would be detrimental to the Laguna de la Merced as a source of water supply.

It appears that the 4.893-acre tract to be sold is not included in the properties covered by the option granted by the Spring Valley Water Company to the city and county of San Francisco under date of April 14, 1922. The 17.35-acre tract to be leased is included in the properties covered by the option, but in this connection it is reported that the lease is subject to termination in the event of the purchase of the property by the city and county of San Francisco, whether or not such purchase is in exercise of said option.

The Commission has given consideration to this application and is of the opinion that this is a matter in which a public hearing is not necessary and that the petition should be granted as herein provided; therefore,

It is hereby ordered, that Spring Valley Water Company be and it hereby is authorized to sell to The Olympic Club the 4.893-acre tract of land, to which reference is made herein, and which is described in Exhibit "A" filed in this proceeding, said sale to be upon the terms and conditions set forth in said Exhibit "A."

It is hereby further ordered, that Spring Valley Water Company be and it hereby is authorized to lease to The Olympic Club the 17.35-acre tract of land to which reference is made herein, and which is described in Exhibit "B" filed in this proceeding, said lease to be upon the terms and conditions set forth in said Exhibit "B."

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17044.

IN THE MATTER OF THE APPLICATION OF MODERN WAREHOUSES, INCORPORATED, FOR AN ORDER AUTHORIZING THE ISSUE OF THE BALANCE OF ITS TREASURY STOCK.

Application No. 12842.

Decided July 2, 1926.

SECURITIES—STOCK AND NOTES—TO ISSUE.—Application granted.

H. B. Fogarty, for Applicant.

BY THE COMMISSION.

OPINION.

In this application as amended at the hearing had before Examiner Fankhauser on June 21st, applicant asks permission to issue $6,500

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of stock and $49,500 face value of notes for the purposes hereinafter stated.

Applicant was organized on or about August 9, 1923, with an authorized capital stock of $25,000. Of this amount $18,500 appears to have been issued prior to the time that applicant engaged in public utility warehouse business. Subsequent to such time, applicant issued $6,500 of additional capital stock and $43,000 face value of notes to acquire the warehouse property and building located at 6500 McKinley ave., Los Angeles. This building is used at present by applicant for the purpose of storing automobiles.

On August 19, 1925, applicant mortgaged to Hellman Commercial Trust and Savings Bank the land and building to secure a loan of $25,000, such loan being represented by a note of $2,500 payable two years after date with interest at the rate of 7 per cent per annum, and a note for $22,500 payable three years after date with interest at the rate of 7 per cent per annum. On the same date, to wit, August 19, 1925, applicant executed a deed of trust to the Hellman Commercial Trust and Savings Bank as trustee, such deed of trust being subject to said mortgage executed to the Hellman Commercial Trust and Savings Bank, to secure a further loan of $18,000. The $18,000 loan is represented by a $7,500 note payable on or before four years after date to J. W. Austin and C. W. Kinnison or order, with interest at the rate of 7 per cent per annum, and a note for $10,500 payable on or before five years after date to W. J. Austin and C. E. Kinnison or order, with interest at the rate of 7 per cent per annum.

On December 31, 1925, applicant reported short term notes outstanding in the amount of $11,489.35, of which amount $6,500 was payable to the Hellman Commercial Trust and Savings Bank, $4,500 to H. E. Gallagher, $372 to the Universal Finance Company and $117.35 to the Safe Cabinet Company. The testimony shows that the note payable to the Hellman Commercial Trust and Savings Bank has been renewed from time to time without permission from the Commission.

The record clearly shows that applicant's officers at the time they issued the several notes were not familiar with the provisions of the Public Utilities Act relating to the issue of stock and notes. Upon having their attention called to the act they immediately filed the above entitled application and amended the same at the hearing so as to cover the issue of notes, as well as the issue of stock.

ORDER.

Modern Warehouses, Inc., having applied to the Railroad Commission for permission to issue stock, notes, and execute a mortgage and a deed of trust, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the money,

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property or labor to be procured or paid for by such issue is reasonably required by applicant and that this application should be granted, as herein provided; therefore,

It is hereby ordered, as follows:

1. Modern Warehouses, Inc., may issue and sell on or before December 1, 1926, $6,500 par value of its common capital stock and use the proceeds to pay in part for its warehouse properties referred to in this application.

2. Modern Warehouses, Inc., may issue to Hellman Commercial Trust and Savings Bank a note for the sum of $2,500 payable two years after date with interest at the rate of 7 per cent per annum, and a note for $22,500 payable three years after date with interest at the rate of 7 per cent per annum and execute a mortgage to secure payment of such notes, said mortgage to be substantially in the same form as the mortgage filed in this proceeding.

3. Modern Warehouses, Inc., may execute a deed of trust to the Hellman Commercial Trust and Savings Bank as trustee, subject to the lien of the mortgage herein authorized to be executed to secure the payment of a loan for $18,000 represented by a note for $7,500 payable on or before four years after date with interest at the rate of 7 per cent per annum, and a note for $10,500 payable on or before five years after date with interest at the rate of 7 per cent per annum, the issue of which notes is hereby authorized.

4. Modern Warehouses, Inc., shall use the proceeds obtained through the issue of the notes, referred to in paragraphs two and three of this order, to pay in part for its warehouse properties described in this application.

5. Modern Warehouses, Inc., may issue and sell for the principal sum of $6,500 a $6,500 note payable on or before one year after date with interest at the rate of 6 per cent per annum and use the proceeds for working capital. If applicant issues the note for a term less than one year it may renew the same from time to time, provided that the term of the original note and the terms of any notes issued in renewal thereof shall not exceed one year after the date thereof.

6. The authority herein granted to execute a mortgage and a deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of such mortgage and deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject.

7. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $50.

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8. Modern Warehouses, Inc., shall keep such record of the issue of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17045.

IN THE MATTER OF THE APPLICATION OF PACIFIC COAST MOTOR COACH COMPANY, FOR AN ORDER AUTHORIZING IT TO SELL AND ISSUE ITS PROMISSORY NOTES.

Application No. 12877.

Decided July 2, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Richard L. North, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Coast Motor Coach Company asks permission to issue $20,000 of 7 per cent notes payable on or before seven years after date and execute a mortgage or deed of trust to secure the payment of the notes. Applicant further asks permission to pay a commission of 2½ per cent to sell the notes and to use approximately $16,000 of the proceeds to buy additional automobile equipment and approximately $3,500 for the construction of depots and a garage.

Applicant has an authorized stock issue of $25,000 divided into 1000 shares of $25 each. It now has 313 shares ($7,825 par value) of stock outstanding. Its assets are reported as follows:

Cash on hand	$132 74
Accounts receivable	7 50
Ticket stock	500 00
Stationery and printing	500 00
Auto supplies	550 00
Office supplies	150 00
Miscellaneous	484 76
Equipment	5,200 00
Total	$7,825 00

Applicant reports no liabilities. While it operated at a loss during 1925 the testimony shows that applicant's stockholders have contributed to it the money that was necessary to pay the operating losses. Its revenues for 1925 are reported at $2,110.56 and its operating expenses at $8,416.70. The latter figure includes $1,120 as an allowance for depreciation.

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Applicant's present equipment consists of one Moreland 16-passenger coach, one 1925 Reo 16-passenger coach, and one 1922 Stevens touring car. The cost of this equipment to applicant is reported at $5,200.

Because of the reconstruction of roads over which applicant has a right to operate, it has been given permission to suspend operations during the period that the roads are under construction. The testimony shows that applicant plans to resume operations from Newport Beach to Arch Beach on or about August 1st and to San Juan Capistrano on or about October 1st. Applicant's officers are of the opinion that upon the completion of the roads its traffic will materially increase and that it should have available at that time two additional units of equipment, each with a seating capacity of twenty-two and also a Ford truck or a Reo Speed Wagon to handle express and baggage.

It should be noted that if this application were granted, applicant's equipment, depot and garages would represent a cost of $24,500 against which there would be outstanding $20,000 face value of notes. It has been suggested that applicant's operative rights have a value of from $30,000 to $40,000. The Commission will not recognize any such value for the purpose of authorizing either the issue of notes or stock. The Commission can not entertain an application for the issue of notes representing so large a proportion of the reasonable value of applicant's tangible property. We believe that this application should be denied without prejudice and suggest to applicant that if it is in need of additional funds it should file with the Commission an application for permisson to issue stock.

ORDER.

Pacific Coast Motor Coach Company having applied to the Railroad Commission for permission to issue $20,000 of notes, a public hearing having been held before Examiner Fankhauser and the Commission having considered the testimony submitted in support of applicant's request, and being of the opinion that such request should be denied;

It is hereby ordered, that the above entitled application be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17046.

IN THE MATTER OF THE APPLICATION OF THE WESTERN PACIFIC RAILROAD COMPANY, FOR AN ORDER AUTHORIZING THE ISSUE OF THIRTY MILLION DOLLARS PRINCIPAL AMOUNT OF FIRST MORTGAGE FIVE PER CENT BONDS.

Application No. 12912.

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Decided July 2, 1926.

SECURITIES—BONDS—TO ISSUE.—The Western Pacific Railroad Company authorized to issue $2,600,000 of first mortgage 5 per cent bonds, Series "A."

Frank M. Angellotti, for Applicant.

BY THE COMMISSION.

OPINION.

The Western Pacific Railroad Company asks permission to issue and sell $3,000,000 par value of its first mortgage 5 per cent bonds due March 1, 1946, for the purpose of reimbursing its treasury and financing the cost of additions and betterments to its roadway, structures and equipment.

The Western Pacific Railroad Company has outstanding $47,500,000 of common stock and $27,500,000 of preferred stock. It has an authorized first mortgage bond issue of $50,000,000, of which $31,180,000 have actually been issued. Of the bonds issued, $455,600 have been retired through the sinking fund, leaving $30,724,400 actually outstanding. In addition to said bonded indebtedness, the company reports outstanding equipment trust certificates of $7,166,000.

Applicant intends to offer its bonds for sale on competitive bidding, but in no event sell the same for less than 92 per cent of their face value and accrued interest. It asks permission to use $973,472.95 of the proceeds to reimburse its treasury on account of moneys expended for additions and betterments to its roadway, structures and equipment described in Exhibit "B," and further asks permission to use the remainder of the proceeds to construct, complete, extend and improve its facilities and those of the Sacramento Northern Railway, a subsidiary. The estimated cost of the proposed improvements is reported in Exhibit "C" at $2,128,503.76. This amount includes $501,528 which applicant estimates will have to be expended to pay and discharge liabilities to be incurred by the Sacramento Northern Railway in the construction of an additional line of railroad in the Holland District, Yolo County. It is of record that the Sacramento Northern Railway is a subsidiary company of applicant, and that all of its capital stock, subject to the holding of five qualifying shares thereof by its directors, is owned by applicant.

The line of railroad to be constructed by the Sacramento Northern Railway is to be a single track electric railway with spurs and sidings commencing at a point of connection with the line of railroad of San Francisco-Sacramento Railroad Company at Lisbon, in Yolo County, California, and running approximately thirteen miles through Sacramento and Solano counties to and through Reclamation District No. 999 to a point at or near the southerly line thereof. By the terms of an agreement dated September 22, 1925, between San Francisco-Sacra-

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mento Railroad Company, the Sacramento Northern Railway and applicant, the construction of the new line of railroad is made contingent upon the acquisition by the Sacramento Northern Railway from the San Francisco-Sacramento Railroad Company, of certain trackage rights over the line of said San Francisco-Sacramento Railroad Company, from said Lisbon to the line of said Sacramento Northern Railway at West Sacramento, California, free and clear of all liens of any and all kinds whatsoever, other than liens or charges subordinate and subject to said trackage rights. It is proposed to construct said new line only in the event of the acquisition of said trackage rights. The trackage rights have not yet been acquired and consequently the expenditure of the $501,528 is contingent. There does not appear at present to be any necessity for considering the expenditure of the $501,528. Deducting the $501,528 from the total actual or estimated expenditures ($3,101,976) reported in Exhibits "B" and "C," leaves a balance of $2,600,488. The order herein will authorize the issue of $2,600,000 of bonds, and action as to the remainder will be deferred. The bonds are redeemable at the option of the company on any interest payment date at par and accrued interest.

ORDER.

The Western Pacific Railroad Company having applied to the Railroad Commission for permission to issue $3,000,000 of its first mortgage 5 per cent bonds due March 1, 1946, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of $2,600,000 of said bonds is at this time reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that, for the purposes stated in its application and in the opinion preceding this order, The Western Pacific Railroad Company be and it is hereby authorized to issue not exceeding $2,600,000 of its first mortgage 5 per cent bonds, Series "A," under and pursuant to, and to be secured by, the first mortgage made by applicant to the First Federal Trust Company (now Crocker First Federal Trust Company) and Henry E. Cooper, trustees, under date of June 26, 1916; said bonds to be dated June 26, 1916, to bear interest at the rate of 5 per cent per annum, payable semiannually, to be redeemable as set forth in the mortgage and in the opinion preceding this order, and to mature March 1, 1946; said bonds to be sold to the highest bidder upon competitive bidding at not less than 92 per cent of par value and accrued interest.

It is hereby further ordered, that the authority herein granted will

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become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $2,600, and that applicant shall file with the Commission before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this second day of July, 1926.

DECISION No. 17047.

R. E. CRONIN, MRS. J. W. TAYLOR, MRS. W. W. NORWOOD, MRS. R. E. POWLES, MRS. C. B. FOLLINE, G. S. McKAY, MRS. C. W. JOHNSON, W. W. TANNER, R. McILVEEN, JOHN W. GROTHER, JOHN DONNENWIRTH, MRS. A. LOFHOLM, GEORGE H. NEWMAN, J. W. WRIGHT, F. E. MOON, W. F. COX, P. K. NICOLOS, MRS. J. A. SHILL, MRS. E. WINFREE, A. L. DAVIS, AUGUST SAFTROM, MRS. J. C. CURRIER, A. N. WAITE, J. C. JANES, MRS. C. L. SHEPARD AND B. B. MOOTS

vs.

PORTOLA WATER COMPANY.

Case No. 2180.

Decided July 2, 1926.

SERVICE—WATER UTILITY—IMPROVEMENTS REQUIRED.—Complaint having been made to the Commission of inadequacy of the service of Portola Water Company, the utility is directed to file with the Commission plans for providing additional water supply on or before May 31, 1927, and to install meters so the system shall be 70 per cent metered within one year.

FIRE PROTECTION SERVICE.—The utility can not be required to furnish water for fire protection purposes beyond its existing facilities unless provision is made through rates or otherwise to compensate the utility for the expense of such service. It is suggested that the fire district arrange with the utility for the necessary service and reorganization of the utility.

L. H. Hughes, for Complainants.
H. B. Wolfe, for Defendant.

BY THE COMMISSION.

OPINION.

This is a complaint brought by R. E. Cronin and thirty-five other consumers against the Portola Water Company, a corporation, engaged in the public utility business of supplying water for domestic and commercial purposes in the unincorporated town of Portola, in Plumas County. The complaint alleges in effect that the defendant company has not supplied its consumers with water in adequate quantities for many years last past; that notwithstanding the fact that the water supply is wholly inadequate for the requirements of the present consumers, defendant nevertheless continues to extend service to new consumers and has not made and is not now making any effort to increase its water supply; that there is no water supply available to the community for fire protection purposes other than that furnished by

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defendant; that there has been organized in the town of Portola a fire district which has funds available for the installation of fire hydrants and the acquisition of fire-fighting equipment but that the defendant company does not now nor has it for several years last past furnished sufficient water for fire protection, so that said fire district is unable to proceed with its program of providing facilities for the reduction of the existing serious fire hazard in the community. It is furthermore alleged that complainants believe there is available to defendant from several sources sufficient water to meet all reasonable requirements of the town for both present and future. The Commission therefore is requested to require defendant water company to provide and furnish its consumers with an adequate supply of water, or that defendant be enjoined from extending service to new applicants, or that other persons be permitted to furnish water to the inhabitants of the town of Portola.

A public hearing in this proceeding was held before Examiner Austin at Portola after all interested parties had been duly notified and given an opportunity to appear and be heard.

The water supply of this company is at present obtained from three springs located from two to four miles from town, to which distribution is made by gravity. The average yield of these three springs as claimed by the company, and their elevation, are as follows:

	Elevation	*Capacity*
Golden Spring	6000 feet	36,000 gallons per day
Malloy Spring	5066 feet	14,000 gallons per day
Turner Spring	5248 feet	30,000 gallons per day
Total		80,000 gallons per day

The Beckwith Peak Lumber Company has a prior right over the water company to divert 15,000 gallons per day from Turner Spring.

Transmission from Turner Spring is by means of a two-inch pipe line. From the other two springs water is transmitted through pipe lines varying from two inches to three and one-half inches in diameter. Water is stored in a reservoir having a capacity of 225,000 gallons and located immediately above the town. With the exception of a small amount of 4, 5 and 6-inch pipe, most of the distribution system is composed of small-sized pipe. The population served is approximately 1200, and at the time of the hearing the company had 200 active consumers, all of whom are unmetered.

Complainants testified that the pressure was generally poor throughout the system, that at frequent intervals, especially during the summer, water was off for hours at a time in many parts of the system, and that in the sections of the town of relatively higher elevation the service was generally very unsatisfactory. Further complaint was made to the effect that the Beckwith Peak Lumber Company and the

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Western Pacific Railroad have taken more than a reasonable amount and more than their fair share of water, thereby leaving an entirely inadequate supply of water for the domestic consumers.

The company contends that it has made many improvements recently but that because of the general waste of water by consumers for lawn and garden sprinkling there has been an insufficient supply of water available.

From the evidence it appears that the present water supply is less than sixty gallons daily per capita, including a few relatively large consumers, which of course for such a community is entirely inadequate. Evidence as to the possibility of obtaining additional water is conflicting and too indefinite in nature to enable this Commission at this time to make a final recommendation therein. It is clear, however, that the defendant company has not a sufficient water supply for its present needs and that it has not made any determined effort to acquire additional water. A public utility water system has the obligation imposed upon it by law to provide proper service at all times in reasonably adequate quantities and owes the public the duty to make all reasonable efforts to provide such service. This company therefore will be expected to take immediate steps to procure and develop such additional water as shall be required to properly provide for its consumers.

The investigation of conditions existing on this system made by the Commission's hydraulic engineers indicates that the transmission lines from the springs consist of long stretches of very small pipe, principally 2-inch O. D. casing, of insufficient carrying capacity and improperly located; that the present storage capacity, dependent as it is on the flow of springs, is entirely inadequate to care for peak load demands; that the distribution mains in Portola consist mainly of pipe smaller than 2 inches in diameter, especially in the higher sections of the community; that a 4-inch main supplying the properties of the Western Pacific Railroad is so located at the lower end of the system as to practically drain the remainder of the distribution mains when in heavy use, thus preventing the consumers living at a higher elevation from receiving proper water service and at times making it impossible to obtain any water whatsoever.

This system is entirely unmetered. Representatives of the company were unable to state even approximately the amount of water being taken by the Beckwith Peak Lumber Company or the railroad. The representatives of the company have testified that it has been difficult to secure the cooperation of the consumers in observing restrictions in lawn and garden irrigation. This is of course the inevitable result of an entirely inadequate water supply subject to frequent service interruptions, which invariably creates the attitude on the part of the

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consumers that water must be used when there is any available. There is only one remedy for this situation which is fair and reasonable both to the company and to the consumers, whose interests must be protected, and that is to completely meter the system, providing temporarily, until meters have been installed, reasonable hours regulating the use of water for sprinkling purposes in order to have available during the coming summer months sufficient water for household and sanitary requirements, or until the improvements which will be required in this order have been installed and relief secured.

Complaint has been made that defendant has not provided the necessary facilities for fire protection purposes. The evidence shows that with a few exceptions the pipe lines in the distribution system are too small to provide the volume of water necessary for fighting fires; in addition to this, present storage facilities are not sufficient and are frequently entirely drained, resulting in an unreliable standby in case of fire.

Both the courts and this Commission have consistently held that a utility can not reasonably be required to furnish water for fire protection purposes beyond its existing facilities unless provision is made to properly compensate such a utility for the necessary expenditures to provide fire service, in excess of domestic needs. It is therefore suggested that the fire district enter into negotiations with this water company to the end that arrangements may be made to provide through fire hydrant rates or otherwise sufficient revenue to enable the company to furnish without financial loss the necessary increased main capacity over and above that required for its domestic service use.

The fact should not be lost sight of that this system was installed many years ago to serve a much smaller community and that as the population increased the pipe lines were extended here and there to take care of the needs of the moment. Portola now has grown to such an extent that the mains and pipe lines are no longer adequate in size and properly located to care for the present demands. However, to completely reconstruct the distribution and transmission systems would place such a financial strain upon defendant company as to be out of the question and entirely unreasonable, but steps can and should be undertaken gradually to modernize the plant, and such measures will be provided for herein.

ORDER.

R. E. Cronin et al., having made complaint as entitled above against the Portola Water Company, a corporation, alleging poor and inadequate water service, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter;

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It is hereby ordered, for the reasons set out in the preceding opinion, that Portola Water Company, a corporation, be and it is hereby directed as follows:

1. To cause a thorough investigation to be made immediately for the purpose of securing and developing an additional water supply to adequately provide for the reasonable requirements of its consumers, submitting to this Commission, for its approval, not later than August 15, 1926, complete and comprehensive plans outlining the methods to be adopted, said plans providing for making such additional water supply available on or before May 31, 1927.

2. To submit to this Commission for its approval, within twenty days from the date of this order, plans for the installation of storage facilities in addition to the present reservoir of 225,000 gallons capacity, said additional storage facilities to be of a total capacity not less than 300,000 gallons and to be installed and in satisfactory operation on or before July 31, 1926.

3. To install on or before July 31, 1926, a standard water meter or other proper measuring device upon each of the service pipes supplying the Western Pacific Railroad Company's properties and the Beckwith Peak Lumber Company, and after July 31, 1926, to charge said consumers under the meter rates for all water supplied for which said Portola Water Company is entitled to receive compensation.

4. To submit to this Commission within sixty days from the date of this order a program providing for the installation of water meters so that the system shall be 70 per cent metered within a period of one year from the date of this order.

5. To replace all intake transmission lines less than 3 inches in diameter with pipe 3 inches in diameter or larger, said replacement to be completed on or before September 30, 1926.

6. To submit to this Commission within ten days from the date of this order, for its approval, a schedule restricting the hours for lawn and garden sprinkling either by zones or otherwise, said restrictions to be placed in immediate effect upon acceptance by this Commission.

7. To submit plans to this Commission within thirty days from the date of this order providing for the installation of such improvements to the distribution system as will render proper and adequate service in the district east of California street, south of First street and north of Fourth street, also on Nevada street and also on Fourth avenue west to Main street.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this second day of July, 1926.

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DECISION No. 17064.

IN THE MATTER OF THE APPLICATION OF EAST BAY WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF BONDS AND STOCK.

Application No. 12959.

Decided July 3, 1926.

SECURITIES—BONDS AND STOCK—TO ISSUE.—East Bay Water Company authorized to issue and sell at not less than 94 per cent of face value, plus accrued interest, $4,265,000 of Series "E" unifying and refunding mortgage 5 per cent bonds, and $2,442,000 par value of Class "A," 6 per cent cumulative preferred stock at not less than $91.50 per share. Applicant authorized to use the proceeds thereof to reimburse its treasury and to retire its outstanding 5½ per cent notes, and its Series "A" 7½ per cent bonds.

Jared How; McKee, Tasheira and Wahrhaftig, by *A. G. Tasheira*, for Applicant. *Markell Baer*, Assistant City Attorney, for City of Oakland.

BY THE COMMISSION.

OPINION.

In this application East Bay Water Company asks permission to issue and sell at not less than 94 per cent of their face value and accrued interest $4,265,000 of its Series "E" unifying and refunding 5 per cent bonds due March 1, 1956, and to issue and sell at not less than 91½ per cent of its par value and accrued dividends, $2,782,000 of its Series "A" 6 per cent cumulative preferred stock, and to use the proceeds for the purposes hereinafter mentioned.

Applicant has an authorized stock issue of $15,500,000 divided into $10,000,000 of Class "A" 6 per cent cumulative preferred, $5,000,000 of Class "B" 6 per cent preferred, and $500,000 of common stock. Applicant reports outstanding stock in the amount of $10,656,000, consisting of $7,568,800 of Class "A," $2,987,200 of Class "B," and $100,000 of common stock.

Applicant reports outstanding funded debt in the hands of the public amounting to $20,530,700 consisting of the following bonds and notes:

First mortgage 5½ per cent bonds due January 1, 1946	$9,168,700 00
Series "A" unifying and refunding mortgage 7½ per cent bonds due September 1, 1936	2,480,500 00
Series "B" unifying and refunding mortgage 6 per cent bonds due March 1, 1942	2,881,500 00
Series "C" unifying and refunding mortgage 6 per cent bonds due March 1, 1944	2,000,000 00
Series "D" unifying and refunding mortgage 6 per cent bonds due March 1, 1955	3,000,000 00
5½ per cent unsecured gold bonds due March 1, 1928	1,000,000 00
Total	$20,530,700 00

In addition to the foregoing funded debt, $4,932,100 of applicant's first mortgage bonds have been issued and deposited with the trustee under the company's unifying and refunding mortgage. The company

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also reports outstanding short-term 5½ per cent unsecured notes in the amount of $300,000.

Applicant asks permission to issue $4,265,000 of its Series "E" unifying and refunding mortgage 5 per cent bonds due March 1, 1956. Of this amount it proposes to use $2,480,500 to pay or refund its outstanding 7½ per cent bonds due September 1, 1936. It is the intention of the company to call its 7½ per cent bonds for payment on September 1, 1926. To redeem such bonds on that date the company will have to pay a premium of 5 per cent. The remainder of the bonds will be issued to finance in part the cost of additions and betterments to which reference will hereafter be made.

Applicant also intends to redeem on August 1, 1926, its outstanding $1,000,000 of 5½ per cent notes due March 1, 1928. These notes are redeemable at a premium of one-half of one per cent. To redeem the notes, applicant asks permission to issue and sell Class "A" 6 per cent preferred stock at 91½ per share and accrued dividends. The $1,000,000 of notes outstanding were issued to finance the cost of additions and betterments, against which the company is not permitted to issue bonds under its unifying and refunding mortgage.

The following tabulation shows how applicant arrived at the amount ($4,265,000) of bonds which it asks permission to issue:

Uncapitalized expenditures December 31, 1924	$485,716 12
Construction expenditures during 1925	2,745,198 28
Construction expenditures during 1926 (actual to April 30, and estimated from May 1, to December 31)	1,923,443 71
Estimated construction expenditures for first six months of 1927	1,225,000 00
Total	$6,379,358 11
Seventy-five per cent of $6,379,358.11 which is to be financed through bonds	$4,784,518 58
Deduct Series "D" bonds authorized by Decision No. 14560 dated February 11, 1925	3,000,000 00
Leaving balance of construction expenditures to be financed through Series "E" bonds	$1,784,518 58
Additional Series "E" bonds to be issued to refund outstanding 7½ per cent Series "A" bonds	2,480,500 00
Total Series "E" bonds to be issued	$4,265,018 58

Applicant intends to finance 25 per cent of its actual or estimated construction expenditures through the issue of Class "A" stock. Twenty-five per cent of $6,379,358.11 is $1,594,839.53. Against this expenditure the Commission has heretofore (Decision No. 14560) authorized the issue of the $1,000,000 of 5½ per cent notes, which applicant now intends to redeem. To pay the notes the company may have to expend $1,005,000. Deducting the $1,005,000 from the $1,594,839.53 leaves a balance of $589,839.53 of actual and estimated expenditures to be financed through the issue of Class "A" stock.

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Applicant also reports that it has not issued $117,382.41 par value of stock authorized to be issued and sold at 85 per share, by Decision No. 13472, dated April 24, 1924. If sold at 85 the $117,382.41 par value of stock would net applicant $99,775.05. It does not intend to sell said $117,382.41 of stock at 85. It does ask permission to sell enough stock at 91½ to net it $99,775.05.

Applicant further asks permission to issue and sell at 91½ Class "A" stock to refund sinking fund payments of $851,373.50 made or to be made from January 1, 1924, to January 1, 1927, both inclusive. The payments actually made are reported at $587,327.25 while that due January 1, 1927, is said to amount to $264,046.25. To cover the several items mentioned by the sale of Class "A" stock at 91½ calls for the issue of $2,782,500.61 of stock. A segregation of the $2,782,500.61 follows:

To cover $589,839.53 of construction expenditures	$644,033 36
To redeem $1,000,000 of notes at 100⅓	1,098,360 64
To realize $99,775.05 contemplated to be covered by stock authorized by Decision No. 13472	109,043 77
To refund $851,373.50 sinking fund payments	930,462 84
Total	$2,782,500 61

The construction expenditures referred to above do not represent all of applicant's actual or estimated construction expenditures, but only such portion which it intends to finance through the issue of bonds and stock. Schedules filed in this proceeding show that applicant has and will take into consideration the investment of moneys realized from the sale of nonoperative property, and moneys represented by its depreciation reserve.

The construction expenditures incurred or to be incurred are of a general nature, with the exception of about $565,000 which will be used to complete the Upper San Leandro project, including transmission mains from the filter plant to various reservoirs and pipe lines. The other expenditures are primarily for distribution mains, services and meters which applicant has had to install or believes it will have to install because of the growth and development of the territory it serves.

We believe that this application should be granted, with the exception that in our opinion applicant should not be permitted to issue $930,462.84 of Class "A" stock to refund sinking fund payments. The amount of stock issued for such purposes should not exceed the par value of bonds redeemed. Reports on file with the Commission show that applicant has redeemed $590,000 of bonds since January 1, 1924. The amount of stock herein authorized will be limited to $2,442,000.

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ORDER.

East Bay Water Company, having applied to the Railroad Commission for permission to issue $4,265,000 of bonds and $2,782,500 of stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that applicant should be permitted to issue $4,265,000 of bonds and $2,442,000 of stock, and that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided; therefore,

It is hereby ordered, as follows:

1. East Bay Water Company may issue and sell at not less than 94 per cent of their face value and accrued interest, $4,265,000 of its Series "E" unifying and refunding mortgage 5 per cent bonds due March 1, 1956, and use the proceeds, other than accrued interest, obtained from the sale of $2,480,000 of said bonds to redeem its Series "A" 7½ per cent bonds and use the remainder of the proceeds, other than accrued interest, to finance in part the construction expenditures referred to in this application.

2. East Bay Water Company may issue and sell at not less than $91.50 per share and accrued dividends $2,442,000 par value of its Class "A" 6 per cent cumulative preferred stock, and use the proceeds, other than accrued dividends, obtained from the sale of such stock, to redeem its outstanding 5½ per cent notes, to finance in part the construction expenditures referred to in this application and to refund sinking fund payments.

3. East Bay Water Company may finance through the issue of the stocks and bonds herein authorized, only such expenditures as are properly chargeable to capital account under the Uniform System of Accounts prescribed by the Railroad Commission, and use the proceeds from the sale of $590,000 of Class "A" stock to refund sinking fund payments.

4. East Bay Water Company may use the accrued interest and the accrued dividends for general corporate purposes.

5. The authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act.

6. East Bay Water Company shall keep such record of the issue, sale and delivery of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the

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Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that this application in so far as it involves the issue of $340,000 of stock be dismissed without prejudice.

Dated at San Francisco, California, this third day of July, 1926.

DECISION No. 17073.

IN THE MATTER OF THE APPLICATION OF THE GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR (1) AUTHORITY TO ISSUE AND SELL STOCK AND BONDS, AND (2) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AND OF GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR AUTHORITY TO PURCHASE AND ACQUIRE STOCK AND BONDS OF THE GOLDEN GATE FERRY COMPANY.

Application No. 12796.

Decided July 3, 1926.

SECURITIES—STOCK AND BONDS—TO ISSUE—CERTIFICATE.—Refusing to modify its previous order dismissing application to issue $275,000 of bonds, the Commission amends its previous order so that $360,000 of bonds of $700,000 authorized, may be used to acquire and construct the ferryboat *M. S. Golden State* and/or refund lawful obligations incurred by Golden Gate Ferry Company in connection with such construction.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

In Decision No. 16944, dated June 15, 1926, in the above entitled matter the Commission states that—

> The matter of a certificate of public convenience and necessity for the new company (The Golden Gate Ferry Company) as well as authorizing the new company to execute a mortgage or deed of trust will be taken care of by supplemental order or orders in this proceeding.

On June 28th The Golden Gate Ferry Company filed a supplemental petition in the above entitled matter in which it requests that the Commission's order in Decision No. 16944 be amended in the following particulars:

To refer to the authorized amount of said Series "A" bonds as not exceeding $700,000 and to authorize the issuance of all thereof;

To authorize the issuance of $360,000 face value of said bonds for the purpose of acquiring and constructing said ferry boat and/or refunding lawful obligations incurred by Golden Gate Ferry Company in connection with such construction;

To eliminate that portion of the order reading as follows:

> 6. This application in so far as it involves the issue of $275,000 of bonds be and the same is hereby dismissed without prejudice.

The Golden Gate Ferry Company further requests permission to execute a mortgage and/or trust indenture substantially in the form

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of a mortgage and/or trust indenture heretofore filed in the above entitled proceeding and amended as set forth in the supplemental petition; and that a certificate of public convenience and necessity due issue to applicant, The Golden Gate Ferry Company, for the operation of vessels as set forth in the application heretofore filed.

The mortgage herein authorized to be executed provides for Series "A" bonds of not exceeding $700,000. The Commission's order in Decision No. 16944 authorizes the issue of $700,000 of Series "A" bonds. There appears to us no valid reason or necessity why the Commission's order of June 15, 1926, should be modified in so far as it relates to the issue of the $700,000 of bonds; neither will we eliminate from that order the provision dismissing the application in so far as it involves the issue of $275,000 of bonds.

The order to which reference has been made provides that $360,000 of bonds shall be used to acquire and construct a new ferryboat. The company requests that this provision be amended so that the $360,000 of bonds may be used to acquire and construct said ferryboat and/or refund lawful obligations incurred by Golden Gate Ferry Company in connection with such construction. This request will be granted.

The company on June 22d and on July 2d filed with the Commission revised pages which it asks be substituted for pages in the proposed mortgage and/or trust indenture filed on May 29th. The pages filed on the above dates which we are asked to consider as being substituted for pages in the mortgage heretofore filed are 1, 2-3, 4, 5, 10, 10-a, 10-b, 12, 19, 20, 22, 23, 24, 25, 26, 26-a, 28, 29, 31-a, 32, 33, 33-a, 33-b, 34, 35, 38, 42, 43, 44, 45, 50, 51, 51-a, 56, 57, 58, 58-b, 79, 83, 84, 87 and 89.

The proposed mortgage and/or trust indenture as amended on June 22d and July 2d is in satisfactory form with the exception of section 24, which reads as follows:

> No additional bonds, except as hereinafter in this section provided, shall be authenticated and delivered by the trustee except at a time when the net earnings of the company for twelve (12) consecutive months within the last fourteen (14) calendar months preceding such delivery shall have amounted to at least one and three-quarters (1¾) times the annual interest upon all bonds then outstanding hereunder plus the additional bonds then proposed to be authenticated and delivered. "Net earnings" for the purposes of this section shall be determined by deducting from the gross earnings of the company all current operating and maintenance expenses paid or accrued, including taxes (except federal income taxes), excises, license fees, rentals and adequate expenses or charges of proper current maintenance, but not including interest paid or payable on bonded indebtedness, federal income taxes, or any allowance for depreciation in value of company properties not preventable by current maintenance; provided, however, that the provisions of this section shall not apply to the authentication and delivery of bonds not exceeding one million (1,000,000) dollars in the aggregate issued at one time or from time to time for the purposes or any thereof mentioned in paragraph (a) of section 21 hereof.

Section 24 should be amended so as to read:

> No additional bonds shall be authenticated and delivered by the trustee except at a time when the net earnings of the company for twelve (12)

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consecutive months within the last fourteen (14) calendar months preceding such delivery shall have amounted to at least one and three-quarters (1¾) times the annual interest upon all bonds then outstanding hereunder plus the additional bonds then proposed to be authenticated and delivered. "Net earnings" for the purposes of this section shall be determined by deducting from the gross earnings of the company all current operating and maintenance expenses paid or accrued, including taxes (except federal income taxes), excises, license fees, rentals and adequate expenses or charges of proper current maintenance, but not including interest paid or payable on bonded indebtedness, federal income taxes, or any allowance for depreciation in value of company properties not preventable by current maintenance.

The Commission having considered applicant's requests contained in the supplemental petition filed on June 28th and being of the opinion that such requests should be granted to the extent that it affirmatively appears in this order; therefore,

It is hereby ordered and declared, as follows:

1. The Commission's order of June 15, 1926, in Decision No. 16944, is hereby modified so as to permit The Golden Gate Ferry Company to use $360,000 of bonds to acquire and construct the ferryboat *M. S. Golden State* and/or refund lawful obligations incurred by Golden Gate Ferry Company in connection with such construction.

2. The Golden Gate Ferry Company may execute a mortgage and/or trust indenture substantially in the same form as the mortgage and/or trust indenture filed on May 29th, as amended on June 22d and July 2d, provided that section 24 be amended, as indicated in this order; and provided further, that the authority herein granted to execute said mortgage and/or trust indenture is for the purpose of this proceeding only and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage and/or trust indenture as to such other legal requirements to which said mortgage and/or trust indenture may be subject.

3. The Golden Gate Ferry Company shall file with the Railroad Commission within thirty days after the execution of the mortgage and/or trust indenture referred to herein, two certified copies of the same.

4. Present and future public convenience and necessity require and will require The Golden Gate Ferry Company to maintain the ferry service between San Francisco and Sausalito, referred to in this application, and that each and all of the ferryboats now owned by Golden Gate Ferry Company (including the ferryboat *M. S. Golden State* now being built) be operated in such service upon their acquisition by applicant, The Golden Gate Ferry Company.

Dated at San Francisco, California, this third day of July, 1926.

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DECISION No. 17078.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM TO PURCHASE, AND WEST COAST TRANSIT COMPANY TO SELL, ALL ITS PHYSICAL ASSETS; AND THE APPLICATION OF PICKWICK STAGES SYSTEM TO ISSUE AND SELL TWO HUNDRED AND FIFTY-NINE THOUSAND NINE HUNDRED DOLLARS PAR VALUE OF ITS COMMON CAPITAL STOCK TO PAY THEREFOR; AND THE APPLICATION OF PICKWICK STAGES SYSTEM TO LEASE FROM WEST COAST TRANSIT COMPANY, AND THE LATTER TO LEASE TO THE FORMER ALL THE OPERATIVE AUTOMOBILE STAGE RIGHTS OF WEST COAST TRANSIT COMPANY.

Application No. 12927.

Decided July 3, 1926.

TRANSFER—AUTO STAGES—TO SELL AND LEASE.—West Coast Transit Company authorized to sell its physical properties and assets to Pickwick Stages System for the sum of $259,900.

SECURITIES—STOCK—TO ISSUE.—Pickwick Stages System authorized to issue $259,900 in payment for such properties.

Warren E. Libby and *H. C. Nelson*, for Applicants.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order:

1. Approving a lease and option agreement between West Coast Transit Company and Pickwick Stages System.

2. Authorizing West Coast Transit Company to lease its operative rights, with an option to purchase, to Pickwick Stages System.

3. Authorizing West Coast Transit Company to sell its physical assets to Pickwick Stages System.

4. Authorizing Pickwick Stages System to issue $259,900 of common capital stock in payment therefor.

The operative rights involved in this proceeding, which West Coast Transit Company proposes to lease to Pickwick Stages System, were acquired by it under authority granted by the Railroad Commission as follows:

Decision No. 13435, dated April 18, 1924, in Application No. 9807.

This decision permitted the operation by West Coast Transit Company of an automobile stage service, as a common carrier of passengers and express between Healdsburg and Crescent City and intermediate points, via Eureka, over what is known as the Redwood Highway; between Eureka and Red Bluff, via Forest Glen; between Eureka and

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Big Bar, via Korbel; between Eureka and Orleans, via Hoopa and Weitchpec; and also between Eureka and Orleans via Orrick; between Eureka and Falk; and betwen Eureka and Ferndale; and between intermediate points over and along the routes between each of the termini mentioned, said certificates to include permission to operate stages and to sell through tickets between each and all of the termini and intermediate points included under the above described routes.

Decision No. 13961, dated August 25, 1924, in Application No. 10040.

In this decision the Commission granted the company permission to operate an automobile stage line as a common carrier of passengers only, between Healdsburg and San Francisco, in conjunction with and as a part of its existing stage service north of Healdsburg, it being provided that the company shall transport no passengers locally between San Francisco, Healdsburg and any points intermediate thereto, but shall on northbound trips pick up south of Healdsburg passengers destined to points north thereof, and on southbound trips shall pick up no passengers whatsoever from Healdsburg to San Francisco, or points intermediate thereto, but after leaving Healdsburg shall transport only passengers who have originated north of the last named point.

Decision No. 14334, dated December 4, 1924, in Application No. 10630.

By this decision the Commission authorized West Coast Transit Company to acquire from Donald MacPherson and William Lolax the right to transport passengers and express, express matter being limited to parcels weighing not more than 200 pounds, between Arcata and Samoa, and to transport passengers and freight betwen Eureka and Freshwater and intermediate points, via Freshwater Corners.

Subsequently, by Decision No. 15419, dated September 19, 1925, in Application No. 11677, the Commission authorized the company to discontinue the passenger and express service between Arcata and Samoa, and revoked the certificate theretofore granted permitting such operations.

Decision No 14837, dated April 22, 1925, in Application No. 11017.

By this decision the company was authorized to acquire from A. Dunham the right to transfer passengers, baggage and packages between Santa Rosa and Healdsburg and intermediate points.

In the decision the Commission recites that the approval of the transfer from A. Dunham to West Coast Transit Company does not authorize the operation by the transit company under such right as a part of its through service between San Francisco and Eureka.

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Decision No. 14983, dated May 28, 1925, in Application No. 11154.

By this decision the company was authorized to acquire from W. H. Miller an operative right permitting the transportation of passengers, baggage and express and freight between Ukiah and Upper Lake and intermediate points.

The decision further permitted the transportation by West Coast Transit Company of passengers, baggage, express and freight between Upper Lake and a point on the coast shore of Clear Lake about nine miles distant from Upper Lake, such operations to be conducted during the resort season in conjunction with and as an extension of the operative right acquired from W. H. Miller.

Decision No. 15638, dated November 14, 1925, in Application No. 11081.

In this decision the Commission granted West Coast Transit Company permission to consolidate the rights obtained by it pursuant to Decisions Nos. 13435, 13961, 14334 and 14837, described above, and to establish through routes and rates, provided that passengers originating at San Francisco and points on the company's line at Santa Rosa shall be picked up on northbound cars only when destined to Windsor or points north thereof, and passengers shall be transported on southbound cars when originating at points then served by the company, from Santa Rosa to San Francisco; provided, further, that the company shall not transfer passengers for compensation locally between San Francisco and Santa Rosa, both points inclusive, and points intermediate thereto.

Decision No. 15676, dated November 21, 1925, in Application No. 11971.

In this decision the Commission granted West Coast Transit Company permission to transport passengers, freight and express between Leggett Valley and the lumber mill of Finkbye and Guild Lumber Company at Rockport.

The present application shows that on June 1, 1926, West Coast Transit Company and Pickwick Stages System executed a lease and option agreement whereby West Coast Transit Company, among other things, agreed to lease all of its operative rights to Pickwick Stages System for a period of ten years and one day, commencing July 1, 1926, and ending July 1, 1936, for a total rental of $300,000, payable in monthly installments of $2,500. The lessee is given the privilege and option, upon the expiration of the lease, of purchasing the operative rights for the sum of one dollar.

Charles F. Wren, president of Pickwick Stages System, testifying in support of the application, stated that in his opinion the proposed

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transaction will be advantageous to Pickwick Stages System in that it will protect that company's present San Francisco-Oregon route. He further testified that he believed the earnings from the operation of the West Coast Transit Company system, when operated as a part of the Pickwick Stages System, should be sufficient to pay the rental under the proposed lease within the ten-year period. In this connection it appears that the operations of the lessor were conducted at a loss of approximately $50,000 during 1925, but that this result was due primarily to the depression in the lumber industry in the territory through which the company operates. With the two systems operated under one management it is estimated that there will be an annual saving in operating expenses of about $60,000, and that this saving and the increased business that should result from the consolidation due to the interchange of passengers should enable the Pickwick Stages System to meet its obligations under the lease agreement, from West Coast Transit Company line earnings.

B. P. McConnaha, president of West Coast Transit Company, offered testimony to the effect that the transaction is of advantage to the West Coast Transit Company and that the operation of the line by Pickwick Stages System will develop business because of the interchange of Passengers between its line and the Oregon line of the Pickwick System. He testified further that West Coast Transit Company was unable to finance the cost of the equipment necessary to operate the line properly and that he believed the proposed transaction would result in more equipment being available because of the greater financial resources of the lessee. On this point Mr. Wren stated that it was the intention of Pickwick Stages System, if this application were granted, to equip the line with more units of equipment and with more suitable equipment. It is of record that at present West Coast Transit Company is operating, under lease, twelve stages belonging to Pickwick Stages System.

Upon the record herein, we are of the opinion that public convenience and necessity will be served by the lease of the operative rights of West Coast Transit Company to Pickwick Stages System and the operation thereunder by Pickwick Stages System. The order herein, therefore, will authorize the lease of the operating rights, on the condition, among others, that the rental as agreed between the applicants herein, as set forth in the lease and option agreement, shall never be urged or claimed by Pickwick Stages System as an operating expense or measure of value in any rate fixing, capitalization or other proceeding before this Commission or other public body having jurisdiction, it being understood that the approval herein granted is not in any way to be considered as a finding of value of the operating rights or as binding the Commission to recognize the rental as the basis for an order

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fixing rates or permitting the issue of stock or other securities, the amount to be paid as rental being considered by the Commission only as the price agreed upon by the two companies for the purpose of this agreement. The rent paid should be charged to surplus and not to a capital acount.

Coming to the request of Pickwick Stages System to issue $259,900 of stock in payment for the physical assets of West Coast Transit Company, we find that the par value of stock proposed to be issued is based on the estimated depreciated value of such assets.

These assets are shown in a schedule attached to the application as follows:

Item	*Amount*	*Depreciation*	*Balance*
Trucks	$68,142 13	$13,332 77	$54,809 36
Service cars	2,748 81	711 54	2,037 27
Passenger stages	121,237 54	28,703 65	92,533 89
Horses, harness, wagons	3,020 72	1,293 12	1,727 60
Improvements on leased properties	5,178 15		5,178 15
Land and buildings	45,879 85	1,905 01	43,974 84
Furniture and fixtures	8,624 08	1,558 02	7,066 06
Materials and supplies	29,167 40		29,167 40
Printing and tickets	1,505 67		1,505 67
Machinery and tools	22,935 40	4,503 96	18,431 44
Hand tools	3,779 95	315 00	3,464 95
Totals	$312,219 70	$52,323 07	$259,896 63

The various items are described in schedules annexed to the application. It appears that the rolling equipment includes fourteen trucks, two service cars and thirty-one passenger cars. According to the testimony herein, all of the equipment is in condition for service and will be used by Pickwick Stages System. The transfer will be made free and clear of indebtedness.

ORDER.

West Coast Transit Company and Pickwick Stages System having applied to the Railroad Commission for approval of a lease and option agreement and for an order authorizing West Coast Transit Company to lease its operating rights and to sell its physical assets to Pickwick Stages System, and authorizing Pickwick Stages System to issue $259,900 of stock, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the application should be granted as herein provided and that the money, property or labor to be procured or paid for through the issue of the stock is reasonably required for the purpose specified herein, and that the expenditure for such purpose is not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that West Coast Transit Company and Pickwick Stages System be and they are hereby authorized to execute and enter

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into a lease and option agreement substantially in the same form as that dated June 1, 1926, and filed in this proceeding, and West Coast Transit Company be and it hereby is authorized to lease, as of July 1, 1926, all of its operating rights, which are described in the foregoing opinion, with an option to purchase, to Pickwick Stages System, subject to the terms and conditions of said lease and option agreement; provided, that the rent paid under such lease be charged to the surplus account of Pickwick Stages System and not to a capital account.

It is hereby further ordered, that West Coast Transit Company be and it hereby is authorized to sell its physical assets to Pickwick Stages System, and Pickwick Stages System be and it hereby is authorized to issue $259,900 of its common capital stock in payment therefor; provided, that such assets are free and clear of any and all indebtedness.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

1. West Coast Transit Company shall withdraw immediately all tariffs and time schedules now filed with this Commission, and Pickwick Stages System shall file immediately new tariffs and time schedules, such new tariffs and time schedules to be identical with those heretofore filed by West Coast Transit Company, or satisfactory to the Commission, such withdrawal and filing to be made in accordance with the Railroad Commission's General Order No. 51 and other regulations of the Railroad Commission.

2. The rights and privileges herein authorized to be leased to Pickwick Stages System hereafter shall not be sold, leased, transferred, assigned, hypothecated or discontinued unless the written consent of the Railroad Commission is first obtained.

3. No vehicle may be operated under the rights herein authorized to be leased unless such vehicle is owned by Pickwick Stages System or is leased by it under a contract or agreement on a basis satisfactory to this Commission.

4. No authority is herein granted to Pickwick Stages System to link up or consolidate the rights, the lease of which is herein authorized, with its present operating rights.

5. The rental as agreed between West Coast Transit Company and Pickwick Stages System, as set forth in the lease and option agreement herein authorized to be executed, shall never be urged or claimed by Pickwick Stages System as an operating expense or measure of value in any rate fixing, capitalization or other proceeding before this Commission or other public body or court having jurisdiction, it being understood that the approval herein granted is not in any way to be considered as a finding of value of said operating rights, or as binding upon the Railroad Commission to recognize the rental as the basis for an order fixing rates or authorizing the issue of stock or other securi-

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ties, the amount to be paid as rental being considered by the Commission only as the price agreed upon by the two companies for the purpose of this agreement.

6. The authority herein granted to execute a lease and option agreement is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the Auto Stage and Truck Transportation Act, and is not intended as an approval of said lease and option agreement as to such other requirements to which said lease and option agreement may be subject.

7. The amount of stock herein authorized to be issued in payment for the physical assets of West Coast Transit Company shall not be urged before this Commission or other public body having jurisdiction as a measure of value of such assets for rate fixing or purposes other than the transfer herein authorized.

8. Pickwick Stages System shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file on or before the 25th day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

9. West Coast Transit Company shall file with the Commission a financial statement covering the period from January 1, 1926, up to the date its operations are taken over by Pickwick Stages System, such statement to be filed on the regular annual report forms prescribed and provided by the Commission.

10. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this third day of July, 1926.

DECISION No. 17079.

G. X. WENDLING COMPANY

vs.

WESTERN PACIFIC RAILROAD COMPANY, SOUTHERN PACIFIC COMPANY.

Case No. 2196.

Decided July 3, 1926.

RATES—STEAM RAILROAD—WOODEN CRATE MATERIAL—REPARATION.—Defendant carriers directed to refund to complainant all charges collected in excess of 43½ cents per 100 pounds for transportation of six carloads of wooden crate material transported from Adelaide on the Western Pacific system to Arvin on the Southern Pacific system during July, 1924.

A. Larson, for Complainant.
J. E. Lyons, for Southern Pacific Company, Defendant.
D. A. Pearce, for Western Pacific Railroad Company, Defendant.

BY THE COMMISSION.

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OPINION.

Complainant is a company, organized under the laws of the state of Nevada with its principal place of business at San Francisco. It alleges by complaint filed November 24, 1925, that the rates assessed on six carloads of wooden crate material shipped during the period July 2 to July 21, 1924, from Adelaide on the Western Pacific to Arvin on the Southern Pacific were unreasonable, preferential, prejudicial and discriminatory to the extent that they exceeded 43½ cents per 100 pounds, a rate which was subsequently established effective March 18, 1925.

Reparation only is sought. Rates are stated in cents per 100 pounds.

A public hearing was held before Exaimner Geary at San Francisco May 18, 1926, and the case having been duly submitted is now ready for our opinion and order.

The rate assessed on the shipment forwarded July 2, 1924, was 51½ cents and on the other five shipments 50½ cents. The former rate is a combination over Magunden, 39½ cents to Magunden and 12 cents beyond. The latter rate is a combination over Marysville, 7 cents to Marysville and 43½ cents beyond. The 50½ cent rate was in effect at the time of the first shipment, but our records do not indicate any routing by the consignor. If no specific routing was designated, this shipment was overcharged.

Adelaide is on the Western Pacific 2.3 miles south of Oroville, the latter point being on both the Western Pacific and Southern Pacific. Arvin is on a branch of the Southern Pacific approximately 362 miles from Adelaide; it is 16 miles south of Magunden, which latter point is 4 miles south of Bakersfield. At the time these shipments moved the joint rate from Adelaide-Oroville to Magunden was 39½ cents routed Western Pacific to Stockton, thence Southern Pacific to destination; at the same time the local rate of the Southern Pacific from Oroville to Arvin was 43½ cents. The rate of 39½ cents in effect to Magunden is a blanketed rate applying on box shook from northern California producing points to the territory on the Southern Pacific beginning at Oil Junction and extending to Crofton. Oil Junction is 337 miles from Oroville and Crofton 580 miles, making the extent of the 39½-cent blanket cover a main line territory of 243 miles. At practically all of the branch line points in this general territory the rates from Adelaide and Oroville have been on a parity, viz: to Porque, 7 miles from Oil City, 43 cents; Gosford, 19 miles from Bakersfield, 43 cents; Pentland, 37 miles from Bakersfield, 43 cents; while from Magunden to Arvin with a branch line haul of 16 miles the rate is 51½ cents. In other words, the arbitrary is 4 cents at all of the branch line points within the vicinity of Bakersfield except to Arvin where the arbitrary is 12 cents over the junction point of Magunden. There

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appears to be no explanation for the absence of a joint rate via Western Pacific and Southern Pacific of 43½ cents from Adelaide to Arvin the same as via the all Southern Pacific route from Oroville to Arvin except that the carriers failed to make the publication at the time the branch line to Magunden was opened for traffic in October, 1923.

The shipments involved moved in July, 1924, and the evidence shows that on August 20, 1924, an effort was made to have the 43½-cent rate established but the tariff was not made effective until March 18, 1925. Defendant Southern Pacific Company introduced 7 exhibits giving a history of the rate situation, comparisons of the rates and mileages, all of which have had our consideration.

Defendant Western Pacific entered an appearance at the hearing but presented no testimony or exhibits. The Western Pacific did, however, in April, 1925 (our file I. C. 32876), signify a willingness to make reparation adjustment on the informal docket, but this could not be accomplished because of the failure to publish the tariff within six months subsequent to the date of movement, under the provisions of our General Order, Tariff Circular No. 2.

Upon consideration of all the facts of record we are of the opinion and find that the assailed rates were unjust and unreasonable to the extent that they exceeded 43½ cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation with interest.

Complainant should submit statement to defendants for check. Should it not be possible to reach an agreement as to the amount of reparation, the matter may be referred to the Commission for further attention, and the entry of a supplemental order should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Western Pacific Railroad Company and Southern Pacific Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, G. X. Wendling Company, all charges they may have collected in excess of 43½ cents per 100 pounds for the transportation of 6 carloads of wooden crate material involved in this proceeding, forwarded during the month of July, 1924, from Adelaide on the Western Pacific to Arvin on the Southern Pacific.

Dated at San Francisco, California, this third day of July, 1926.

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DECISION No. 17081.

IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, FOR AUTHORITY TO ISSUE AND SELL FOUR HUNDRED THOUSAND SHARES OF ITS PREFERRED STOCK, SERIES "B", SIX PER CENT.

Application No. 12870.

Decided July 3, 1926.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application granted.

R. V. Reppy and *Gail C. Larkin*, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter Southern California Edison Company asks permission to issue and sell, at not less than $24 a share, 400,000 shares (par value $25) of its Series "B" 6 per cent preferred stock of the aggregate par value of $10,000,000. The company asks permission to use not exceeding $1 per share of stock sold to pay commissions and selling expenses. It further asks permission to consolidate the remaining proceeds with the proceeds received, or to be received from the sale of stock authorized by former decisions of the Commission and to use such consolidated proceeds to reimburse itself for moneys used in paying and discharging bonded indebtedness and in making capital expenditures, and to provide the cost of capital expenditures to be made hereafter.

Southern California Edison Company has an authorized capital stock of $250,000,000, divided into 10,000,000 shares of the par value of $25 each. The various classes of stock and the amounts of each class outstanding on March 31, 1925, are reported as follows:

Class	*Authorized*	*Outstanding*
Original preferred	$4,000,000 00	$4,000,000 00
Preferred Series "A" 7%	30,000,000 00	25,132,300 00
Preferred Series "B" 6%	50,000,000 00	23,880,600 00
Preferred Series "C" 5½%	20,000,000 00	----------
Preferred Series "D" 5%	21,000,000 00	----------
Common	125,000,000 00	43,380,772 00
Subscribed preferred stock	----------	4,449,900 00
Subscribed common stock	----------	4,160,300 00
Totals	$250,000,000 00	$105,103,872 00

In Application No. 11802, filed with the Commission on October 13, 1925, the company reported total expenditures for new construction as of August 31, 1925, against which no securities had been issued, at $5,286,788.56, estimated expenditures for the last four months of 1925 at $7,741,600 and estimated expenditures for the year 1926 at $32,558,000; the three items aggregating $45,586,388.56. It is now reported in this proceeding in Exhibit "10" that the actual expendi-

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tures for the last four months of 1925 amounted to $5,053,821.59, and for the first four months of 1926, to $7,271,168.97. The amounts added to the $5,286,788.56 result in a total of $17,611,779.12. Of this amount, however, it appears that $8,300,000 has been paid or provided for with proceeds from the sale of stock heretofore authorized, leaving a balance as of April 30, 1926, against which no securities have been issued, of $9,311,799.12.

The expenditures for 1925 and 1926 have been described in some detail in the annual budgets of the company filed as exhibits in former applications and referred to in former decisions of the Commission. The company heretofore has been authorized to use stock proceeds to finance, in part, such expenditures. It is now reported that the company had found it necessary to expend $450,382.14 during 1925 and $60,809.36 during the first four months of 1926 for purposes not included in, and in addition to, the items included in the annual budgets heretofore filed. These additional purposes are set forth in Exhibit "11," filed in Application No. 12870, and, at the request of counsel, considered in evidence in this proceeding. The Commission is asked to authorize the use of stock proceeds to finance these expenditures.

The Commission is also asked to authorize the use of stock proceeds to reimburse its treasury on account of moneys actually expended in paying bonded indebtedness. The company reports, in this connection, that from January 1, 1923, to April 30, 1926, it expended $974,165.97 in the retirement of bonds for which it has not been reimbursed, as follows:

Name	*Face amount retired*	*Amount of cash paid*
Pacific Light and Power Corp. 5's due 1951	$238,000 00	$233,933 10
Pacific Light and Power Corp. 5's due 1942	635,000 00	629,325 00
Mt. Whitney Power and Electric Co. 6's due 1939	90,000 00	94,603 17
Ventura County Power Co. 6's due 1936	239,000 00	243,544 70
Totals	$1,202,000 00	$1,201,405 97
Deduct:		
General and refunding mortgage bonds, series of 1919, issued to refund Ventura County Power Co. 6% bonds, authorized by Decision No. 12148	225,000 00	227,240 00
Balance	$977,000 00	$974,165 97

The record shows that the bonds were retired through the operation of the sinking funds of the various underlying mortgage and that no stock or bonds have been issued on account of such expenditures.

In Application No. 11802, applicant filed, as Exhibit "8" a copy of its 1926 budget, showing estimated expenditures for the year of $32,558,000. This proceeding shows that during the first four months of 1926 the company has expended $7,271,168.97, leaving a balance for

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the remainder of the year of about $25,286,831.03. Adding this amount to the reported uncapitalized balance, on April 30, 1926, of $9,311,-799.12 and the $974,165.07 expended in retiring bonds, results in a total of $35,572,795.22.

To provide in part the $35,572,795.22 applicant reports, in Exhibits "1," "2" and "3," that of the stock authorized to be issued by former decisions there remained unsold on April 30, 1926, $1,526,000 par value, of Series "B" preferred stock, $371,550 par value, of Series "A" preferred stock and $1,287,200 par value, of common stock, and that there was an unpaid balance of stock sold on installment payment plans of $5,813,331.90. In addition, the company was authorized by the decision in Application No. 12869 to use approximately $2,185,050 of the proceeds from the sale of the bonds authorized therein to finance the uncapitalized construction expenditures of April 30, 1926, and the estimated expenditures for the remainder of the year. Deducting the sum of these amounts, $11,183,631.90, from the $35,572,795.22 leaves a balance of $24,389,163.32 not provided for and on account of which the present application is made.

ORDER.

Southern California Edison Company having applied to the Railroad Commission for permission to issue and sell 400,000 shares of its Series "B" 6 per cent preferred stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Southern California Edison Company be and it is hereby authorized to issue on or before June 30, 1927, 400,000 shares of its Series "B" 6 per cent preferred stock of the aggregate par value of $10,000,000.

It is hereby further ordered, that Southern California Edison Company be and it is hereby authorized to sell said $10,000,000 of stock at not less than $24 a share, and to use an amount not exceeding $1 per share of stock sold, to pay commissions and other expenses incident to the sale of said stock and to combine the remaining proceeds and such portions of the $1 not needed to pay commissions and other expenses incident to the sale of said stock, with the proceeds received or to be received from the issue and sale of stock heretofore authorized by former orders of the Commission.

It is hereby further ordered, that Southern California Edison Company be and it is hereby authorized to use the proceeds received and to

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be received from the sale of the stock herein authorized, and authorized by former orders, to finance in part the cost of the uncapitalized expenditures as of April 30, 1926, of $9,311,799.12 reported in applicant's Exhibit "10," filed in Application No. 12869; the expenditures of $511,191.50 reported in applicant's Exhibit "11" filed in Application No. 12869 and not included in applicant's 1925 and 1926 budgets heretofore filed with the Commission, and the expenditures to be made during the last eight months of 1926 heretofore reported in applicant's 1926 budget filed as Exhibit "8" in Application No. 11802, and to reimburse its treasury on account of the $974,165.97 expended in retiring bonds as set forth in applicant's Exhibit "4," provided that after such reimbursement, the $974,165.97 plus all other net proceeds from the sale of the stock herein authorized to be issued shall be used to finance only such part of the expenditures referred to herein as is properly chargeable to fixed capital account, as defined by the uniform classifications of accounts prescribed or adopted by the Railroad Commission.

It is hereby further ordered, that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this third day of July, 1926.

DECISION No. 17082.

IN THE MATTER OF THE APPLICATION OF MODESTO REFRIGERATING COMPANY, A CORPORATION, FOR ORDER AUTHORIZING IT TO ISSUE STOCK.

Application No. 12876.

IN THE MATTER OF THE APPLICATION OF MODESTO REFRIGERATING COMPANY, A CORPORATION, FOR ORDER AUTHORIZING IT TO ISSUE BONDS.

Application No. 12922.

Decided July 3, 1926.

SECURITIES—STOCKS AND BONDS—TO ISSUE.—Modesto Refrigerating Company authorized to issue $74,400 of its capital stock, and $100,000 face amount of Series "A," 6½ per cent first mortgage serial bonds.

Francis O. Hoover, for Applicant.

BY THE COMMISSION.

OPINION.

In these two proceedings the Railroad Commission is asked to make

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an order authorizing Modesto Refrigerating Co., a corporation, to issue $100,000 of common stock and $100,000 of bonds.

The applications show that Modesto Refrigerating Co. was organized on or about May 7, 1926, and that it has been organized—

> in part for the purpose of conducting a plant for the pre-cooling and preparation for shipment of fruits, grapes and other farm products, and of rendering service and doing business of a kind referred to in subdivision F of section 2 of the Public Utilities Act, to wit: The refrigeration, storage and handling of fruits, and other food and farm products in connection with and incidental to the transportation of the same; and that it is the intention of the incorporators of said corporation that said corporation shall carry on such business.

Heretofore, by Decision No. 16790, dated May 28, 1926, in Application No. 12876, the company was authorized to issue and sell $500 of the $100,000 of stock to pay organization expenses. It asks permission to issue the remaining $99,500 of stock and the $100,000 of bonds to pay for certain real property, to finance the cost of constructing its plant and to provide working capital.

Applicant proposes to acquire from Beard Land and Investment Co. certain real property, situate in the city of Modesto and described as follows:

> Lots 1 to 8, inclusive, and lots 12 to 20, inclusive, all in block 222 of the city of Modesto, according to the map thereof on file and of record in the office of the county recorder of the county of Stanislaus, State of California.

An estimate of the value of the land, made by R. L. Underhill, agricultural engineer, is filed in Application No. 12876, Exhibit "B," and shows the estimated value of the property at $14,400. Applicant asks permission to issue $30,000 of stock in payment, and in support of its request alleges that the land is so situate as to be peculiarly adapted to its needs; that the appraisal submitted is conservative and that the construction of the plant upon it will enhance and increase the value thereof; that applicant was organized by those in control of the Beard Land and Investment Co. and that without the financial assistance and management and control contributed by that company the construction of applicant's plant could not be accomplished; that therefore the Beard Land and Investment Co. will be responsible for the increase in the value of the land to $30,000 and should be entitled to the benefit of such increase, especially because it is taking stock for its property.

It seems to us, however, that here we are asked to make an order permitting applicant to capitalize a potential land value that may, or may not, result because of the proposed plant to be erected and operated. Furthermore, the appraisal of Mr. Underhill shows that his value is predicated upon the land being occupied. It therefore appears to us that the company should be permitted to issue not more than $14,400 of stock in payment for the property.

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The cost of the proposed plant is estimated at about $146,000. This cost is segregated as follows:

Excavation and fills	$4,121 00
Concrete foundation for machinery	1,250 00
Concrete for footings, floors, etc.	13,446 00
Reinforcement for floors	2,866 00
Wood structures	7,008 00
Partitions, sky-lights, etc.	29,709 00
Extras	3,000 00
Insulation-cork	20,000 00
Refrigerator doors	2,585 00
Refrigerator machinery	48,782 00
Overhead 10 per cent	13,276 00
Total	$146,043 00

It appears that applicant proposes to sell the $100,000 of bonds for $92,000. Under the proposed trust indenture securing the bonds applicant agrees to withhold $7,000, an amount equal to the first year's interest, leaving a balance of $85,000 available for construction. It is reported that the balance needed to complete the plant, as well as any sums needed for working capital, will be obtained from the sale of stock in addition to the stock to be delivered for the real property, and that such stock will be purchased by Beard Land and Investment Co. at par.

The bonds proposed to be issued are part of a total authorized issue of $300,000 of first mortgage 7 per cent serial bonds callable at 102, and maturing during the years 1929 to 1941, inclusive. The Series "A" bonds now proposed to be issued mature as follows:

July 1, 1929	$3,000 00
July 1, 1930	3,000 00
July 1, 1931	4,000 00
July 1, 1932	4,000 00
July 1, 1933	4,000 00
July 1, 1934	4,000 00
July 1, 1935	4,000 00
July 1, 1936	4,000 00
July 1, 1937	5,000 00
July 1, 1938	5,000 00
July 1, 1939	5,000 00
July 1, 1940	5,000 00
July 1, 1941	50,000 00
Total	$100,000 00

Applicant reports that it has made arrangements to sell its bonds to MacKenzie, Young & Co. at 92 per cent of face value plus accrued interest. The payment of the Series "A" bonds, both principal and interest, will be guaranteed by the Beard Land and Investment Co.

A copy of the proposed trust indenture is filed with Application No. 12922. We believe that certain modifications should be made in the instrument as now filed. The usual after acquired property clause should be incorporated in the trust indenture. The interest rate on the Series "A" bonds should be fixed at 6½ per cent per annum. In

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section 20, on page 31, we believe that depreciation should be deducted from earnings before the company is permitted to declare any dividends on stock. In section 9, on page 21, and in article IX, on page 57, the name, "MacKenzie, Young & Co." should be eliminated. Further, there should be added to article IX a proviso to the effect that nothing therein contained will authorize a change of the date of the maturity of the bonds, nor the rate of interest, nor the date of interest payments. The company should file a revised copy of its trust indenture with the Commission. If the same is in satisfactory form, its execution will be authorized by a supplemental order.

FIRST SUPPLEMENTAL ORDER IN APPLICATION No. 12876. ORDER IN APPLICATION No. 12922.

Modesto Refrigerating Co. having applied to the Railroad Commission for permission to issue stock and bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured of paid for through such issue as is herein authorized is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Modesto Refrigerating Co. be and it is hereby authorized to issue not exceeding $14,400 of stock in payment for the real property to which reference is made in the foregoing opinion and to issue and sell, at not less than par, $60,000 of stock, and at not less than 92 per cent of face value plus accrued interest, $100,000 of Series "A" 6½ per cent first mortgage serial bonds maturing in amounts and on dates indicated in the foregoing opinion, and to use the proceeds to finance the cost of constructing and equipping the precooling, refrigerating and storage plant described in this application, and to provide itself with working capital.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and sale of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted to issue stock shall become effective upon the date hereof.

3. The authority to issue bonds will not become effective until the Commission has authorized applicant to execute a mortgage or deed of trust to secure the payment of said bonds, nor until applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $100.

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4. Under the authority herein granted no stock or bonds may be issued subsequent to June 30, 1927.

It is hereby further ordered, that Application No. 12876, in so far as it involves the issue of $25,300 of stock, be dismissed without prejudice.

Dated at San Francisco, California, this third day of July, 1926.

DECISION No. 17084.

IN THE MATTER OF THE APPLICATION OF RICHARDS TRUCKING AND WAREHOUSE COMPANY FOR PERMISSION TO MORTGAGE.

Application No. 12972.

Decided July 3, 1926.

SECURITIES—NOTES—TO ISSUE.—Richards Trucking and Warehouse Company authorized to issue promissory notes in sum of $35,000 to Pacific Mutual Life Insurance Company for five years, with interest at not exceeding 6½ per cent per annum, $10,000 to Rule & Sons, Inc., with interest at 7 per cent per annum, and $13,500 to Florence H. Richards payable in three years, with interest at 8 per cent per annum.

Lawler and Degnan, by *K. A. Carey*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application Richards Trucking and Warehouse Company asks permission:

1. To execute a first mortgage and to issue its promissory note for $35,000 in favor of Pacific Mutual Life Insurance Company, payable five years after date with interest at 6½ per cent per annum;

2. To execute a deed of trust and to issue its promissory note for $10,000 in favor of Rule & Sons, Inc., payable in installments of $300 on the first day of each calendar month beginning on January 1, 1927, to and including May 1, 1929, and the balance of $1,300 on June 1, 1929, with interest at 7 per cent per annum;

3. To execute a deed of trust and to issue its promissory note for $13,500 in favor of Florence H. Richards, payable three years from June 1, 1926, with interest at 8 per cent per annum.

Richards Trucking and Warehouse Company is a corporation engaged in business as a public utility warehouseman and as a common carrier of freight in and between Los Angeles and certain other points in southern California and as a local drayage company in Los Angeles. The record shows that during 1923 the corporation, in connection with its operations, purchased for $113,000, certain real property located at 668 South Alameda street, upon which it now has its warehouse and terminal, said property being described in the application as follows:

> Beginning at a point on the easterly line of Alameda street, which point is one hundred ninety-three (193) feet north three degrees (3°) twenty minutes (20′) east from the intersection of said easterly line of Alameda street with

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the northerly line of Seventh street; thence north three degrees (3°) thirty minutes (30′) east along said easterly line of Alameda street, one hundred fifty (150) feet to a point; thence easterly on a line parallel with the northerly line of Seventh street one hundred fifty (150) feet; thence southerly on a line parallel with the easterly line of Alameda street, one hundred fifty (150) feet; thence westerly on a line parallel with the northerly line of Seventh street, one hundred fifty (150) feet to the place of beginning.

It appears that applicant has executed two trust indentures covering the above described property to secure the payment of an indebtedness in favor of Bank of America in the sum of $42,379.39, with interest from June 10, 1926, and an indebtedness in favor of Florence H. Richards in the sum of $13,500, these amounts representing moneys borrowed by applicant to refund indebtedness, to finance the cost of additional property and equipment and to provide for the maintenance and improvement of its service and for other purposes.

In addition to these amounts the company reports that in an action filed in the superior court of the State of California, in and for the county of Los Angeles, a judgment was obtained against it in the sum of $4,601, of which there is unpaid at this time $2,501, together with interest from April 27, 1925.

It appears that the company is unable to discharge the total indebtedness at this time and that accordingly it has made the present application to refinance its trust indebtedness and to obtain additional funds to pay the balance due on the judgment. It is reported that the $35,000 indebtedness in favor of Pacific Mutual Life Insurance Company will be secured by a first mortgage on the property hereinabove described; the $10,000 indebtedness in favor of Rule & Sons, Inc., by a deed of trust subject to the mortgage in favor of Pacific Mutual Life Insurance Company; and the $13,500 indebtedness in favor of Florence H. Richards by a trust deed subject to the first mortgage and deed of trust in favor of Rule and Sons, Inc. Copies of the three instruments have been filed with the application and appear to be in satisfactory form.

ORDER.

Richards Trucking and Warehouse Company having applied to the Railroad Commission for authority to execute a mortgage and two deeds of trust and to issue notes, a public hearing having been held before Examiner Williams, and the Railroad Commission being of the opinion that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for through the issue of the notes is reasonably required by applicant;

It is hereby ordered, that Richards Trucking and Warehouse Company be and it hereby is authorized, in order to pay or refund the outstanding indebtedness to which reference is made in the foregoing opinion:

1. To execute a first mortgage, substantially in the same form as

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that filed in this proceeding, and to issue a note, secured thereby, in favor of the Pacific Mutual Life Insurance Company, in the principal amount of $35,000, payable on or before five years after date with interest at not exceeding 6½ per cent per annum; and

2. To execute a deed of trust, substantially in the same form as that filed in this proceeding, and to issue a note, secured thereby, in favor of Rule and Sons. Inc., in the principal amount of $10,000 payable in installments of $300 on the first day of each calendar month beginning on January 1, 1927, to and including May 1, 1929, and the balance on June 1, 1929, with interest at not exceeding 7 per cent per annum; and

3. To execute a deed of trust, substantially in the same form as that filed in this proceeding, and to issue a note, secured thereby, in favor of Florence H. Richards in the principal amount of $13,500 payable on or before June 1, 1929, with interest at not exceeding 8 per cent per annum.

It is hereby further ordered, that the authority herein granted is subject to the following conditions:

a. The authority herein granted to execute a mortgage and deeds of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and the Auto Stage and Truck Transportation Act, and is not intended as an approval of said mortgage and deeds of trust as to such other legal requirements to which said mortgage and deeds of trust may be subject.

b. The authority herein granted to issue notes shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act and section 6 of the Auto Stage and Truck Transportation Act, which fee is $59.

c. Applicant shall keep such record of the issue and delivery of the notes herein authorized and the disposition of the proceeds, as will enable it to file, within thirty days after such issue and delivery, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this third day of July, 1926.

DECISION NO. 17088.

BAKERSFIELD AND LOS ANGELES FAST FREIGHT COMPANY, A CORPORATION, AND LOS ANGELES AND WEST SIDE TRANSPORTATION COMPANY, A CORPORATION,

vs.

MIKE LANG, MIKE LANG TRANSPORTATION COMPANY, WM. P. SHIELDS, KATE B. SHIELDS, SHIELDS TRUCK COMPANY, JOHN DOE, JANE DOE, JOHN ROE AND JANE ROE.

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Case No. 2006.

Decided July 3, 1926.

CERTIFICATE—AUTO TRUCKS—PRIVATE CONTRACT CARRIER—JURISDICTION.—United States Supreme Court having held that the Commission has no jurisdiction over private contract carriers, complaint is dismissed.

Hugh Gordon and *George Clark*, for Complainants.
Sanborn & Roehl and DeLancey C. Smith, by A. B. Roehl, for Mike Lang, Mike Lang Transportation Company, Defendants.
Dave F. Smith and *Walter T. Casey*, for Wm. P. Shields, Kate B. Shields, Shields Truck Company, Defendants.
J. F. Vizzard, Esq., for California Truck Owners Association.
Phil Jacobson, Esq., for Franchise Owners Association.
Howard Robertson, Esq., for California Truck Company, Pioneer Truck and Transfer Company, Star Truck Company, Paul Kent Truck Company, Smith Brothers Motor Truck Company, Belyea Truck and Transfer Company, and Citizens Truck Company.
Richard T. Eddy, Esq., for Carkey Transfer Company.

BY THE COMMISSION.

OPINION.

The complaint herein alleges, among other things, that the above named defendants are and have been engaged in the business of operating auto trucks in the business of transporting property, or as common carriers, for compensation, over the public highways of this state between fixed termini or over regular routes as the term, "between fixed termini or over a regular route," is defined in chapter 213 of the Statutes of 1917, of the State of California, as amended, and more particularly between Los Angeles and Bakersfield over the highway commonly known as the Ridge route, and between Los Angeles and Taft, Maricopa, Fellows, McKittrick, Old River, Panama and the West Side Oil Field District in Kern County; also to, from, or between points between the territory immediately adjacent thereto or within a twenty (20) mile vicinity thereof; and also between points elsewhere within the state and not exclusively within the limits of an incorporated city or town, or of a city and county.

It is further alleged that the defendants have not heretofore obtained from this Commission, nor have they otherwise acquired, nor do they now own, hold or possess the right, franchise or permit to operate a transportation company between said points as the term "transportation company" is defined in chapter 213 of the Statutes of 1917, as amended; and that the operations of said defendants and each of them, of said transportation companies, or as common carriers of property for compensation between said points, is in violation of the provisions of the said chapter 213, Statutes of 1917, as amended, and more particularly of sections 2 and 5 thereof, and of the rules and regulations of this Commission.

The complaint further alleges that defendants are also operating as "common carriers and transportation companies," as those terms

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are defined in section 22 of article XII of the constitution of the State of California, between the same points and along the same routes as above set forth; and that the complainants and their predecessors in interest have been operating for several years as transportation companies between the same points and along the same routes as above set forth under certificates of public convenience and necessity obtained from this Commission. The prayer of the complaint is that this Commission make its order directing said defendants to cease and desist from the aforesaid violations of said acts; and to discontinue transporting freight for compensation between the above named points and along the above named routes.

The defendants by separate and special answers deny that their companies are transportation companies or common carriers or have operated as transportation companies or common carriers in violation of section 22 of article XII of the constitution of the State of California, or of chapter 213, Statutes of 1917, or of any other of the statutes of the State of California. Defendants further deny that they are in any way subject to the jurisdiction of this Commission or that they are required to secure certificates from this Commission.

Public hearings were held before Examiner Satterwhite at Los Angeles. The issues thus framed by the pleadings resolve themselves into the following propositions:

1. Are the defendants "common carriers" or "transportation companies" as those terms are defined in section 22 of article XII of the constitution of the State of California?

2. Are the defendants engaged in the "business of transportation" of property over the highways for compensation as defined in chapter 213, of the Statutes of 1917, as amended? and

3. If so, do the defendants, in the conduct of such business "usually or ordinarily" operate their trucks "between fixed termini or over a regular route," as those terms are defined in chapter 213, of the Statutes of 1917, as amended?

As to the first proposition there is not sufficient evidence in the record to hold these defendants common carriers at the present time. The second is easily disposed of by the fact that the answers of the defendants either admit or disclose that each is engaged in the business of transporting property over the highways for compensation. This fact is further borne out by the record. The last proposition is, therefore, the only one which need now be considered in any detail.

In view of the fact that the character of the operations of these defendants differ it is necessary to discuss the evidence dealing with each separately. As to Mike Lang and the Mike Lang Transportation Company, the record discloses that the operations are twofold in character. First, that of constructing oil and gas lines for oil produc-

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tion companies and of constructing oil pipe lines to pipe line locations; and, second, that of transporting oil well equipment between gas and oil location sand of transporting materials between divers points for the Southern California Edison Company.

Witnesses for this defendant testified that the oil pipe line construction business was the main business of the company, and that the transportation business was a separate and distinct feature of this main operation. The record shows that this transportation business necessitates the continuous employment of more than forty men, involving the expenditures of $8,000 to $10,000 per month, and that thirty-one trucks are kept busy practically all the time.

Witness Howard M. Lang, manager of the Lang Transportation Company, testified that of the 16,697 tons moved by the concern during the first six months of 1924, 3186 tons were moved from the southern California oil fields to the West Side oil fields, Bakersfield, and the several other oil fields located in the San Joaquin Valley to the north, and that all of this was moved over the Ridge route.

This witness further testified that during the year preceding the filing of the complaint herein the following shipments were made for the following persons or companies:

Bell Ridge Oil Company, between ten and twenty trips were made over the Ridge route from Los Angeles to Bell Ridge or McKittrick, and the West Side oil fields.

Associated Supply Company, more than twenty shipments were made for this company from points in Los Angeles over the Ridge route to Bakersfield and the West Side oil fields.

C. R. Gallagher and Co., between three and ten hauls were made from Santa Fe Springs over the Ridge route to points in the West Side oil fields.

Associated Oil Company, between twenty and forty shipments were made from Los Angeles to the West Side oil fields over the Ridge route.

Standard Oil Company, shipments were made between points in Los Angeles district to points in the West Side oil fields over the Ridge route.

Western Pipe and Steel Company, shipments were made from several points in southern California to points in the West Side oil fields, and Lost Hills and Coalinga over the ridge route.

E. J. Hiley, shipments were made from points in Los Angeles to Kettleman Hills.

Hughes Tool Company, shipments were made from Los Angeles to the West Side oil fields over the Ridge route.

International Derrick and Equipment Co., about five hauls were made from Los Angeles to the West Side oil fields over the Ridge route.

Pacific Pipe and Supply Co., on more than one occasion hauls were made for this company over the Ridge route.

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Chas. M. Woods Co., at least five shipments were made from different locations in the West Side oil fields, Lost Hills and Coalinga over the Ridge route.

In addition Mr. Roehl, counsel for the Mike Lang Transportation Company, admitted that the hauling done by the company from southern California to the West Side oil fields was over the Ridge route, and that many shipments and a great deal of tonnage had gone over that route.

With respect to the defendants, Kate B. Shields, William B. Shields, and the Shields Truck Company, practically the same situation exists. The record shows that twelve trucks are kept busy practically all the time; that during the first six months of the year 1924 a total of 15,000 tons of material of various kinds was hauled over the highways, and from the company's Exhibit No. 2 it appears that from January to July, 1924, 2430 tons were hauled from points in the southern California oil fields to the West Side oil fields, Elk Hills, Lost Hills and San Joaquin oil fields; while during the same period a total of 140 tons were hauled south bound from points in the West Side oil fields to points in the southern California oil fields. The record further discloses that the company regularly hauls for five, six and possibly eight shippers between points in the vicinity of Los Angeles to points in the vicinity of West Side oil fields over the Ridge route, and that within the year preceding the filing of the complaint herein the company hauled for seven or eight different shippers between points in the vicinity of Los Angeles, and the West Side oil fields or Bakersfield over the Ridge route.

From the foregoing and other similar evidence it seems clear to us that both of these defendants are in the business of usually and ordinarily transporting property over the highways for compensation between points in the vicinity of Los Angeles and points in the vicinity of the West Side oil fields and Bakersfield over the Ridge route. It follows, therefore, that defendants are and have been operating usually and ordinarily between fixed termini or over a regular route.

In the brief filed by the Mike Lang Transportation Company it is contended that the statutes in question must be construed in the conjunctive with respect to the words "between fixed termini or over a regular route"; in other words, that a transportation company within the meaning of that chapter must be a person or corporation which operates both between fixed termini and over regular route. We can not agree with this construction. Heretofore in the case of *Highway Transport Company* vs. *Holmes et al.*, Decision No. 14369, dated December 17, 1924, we held that a person or corporation was a transportation company within the meaning of the act when operating either between fixed termini or over a regular route; and this construction has been

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sustained by the Supreme Court of California in the case of *Holmes* vs. *Railroad Commission et al.*, 70 C. D. 752. In the present instance whatever might be contended as to the fixity of termini, there can be no serious question as to the regularity of route.

A defense urged by defendants was that, even assuming they were in the business of transportation of property over the public highway for compensation, usually and ordinarily, between fixed termini, or over a regular route, nevertheless, chapter 213 of the Statutes of 1917, as amended, is inapplicable to them because they haul under private contract only, and not as common carriers. This defense was based on the ground that the statute applies only to common carriers and not to contract carriers.

In the case of *Happe* vs. *Frost and Frost Trucking Company,* Decision No. 13945, rendered on August 20, 1924, this Commission held that, by the 1919 amendment to the Auto Stage and Truck Transportation Act (Statutes 1919, chapter 280), the legislature impressed upon this Commission the duty of requiring a certificate of public convenience and necessity from private contract carriers as well as from those whose operations fall strictly within the category of common carriers. This decision was sustained by the State Supreme Court in the case of *Frost and Frost* vs. *Railroad Commission,* 70 C. D. 457, but on June 7, 1926, the state court's decision was reversed by the United States Supreme Court upon the ground that the state court had interpreted this statute as forcing upon such contract carriers the status of common carriers against their will.

In view of the determination of the matter, which has been made by the United States Supreme Court in the case above cited, we have no other alternative at this time but to hold that the present case should be dismissed.

ORDER.

Public hearings having been held in the above entitled proceeding; the matter having been submitted, and the Commission being now fully advised in the premises, it is hereby found as a fact that the defendants above named have each of them been, and are now engaged in the business of transporting property over the public highways, for compensation, usually and ordinarily between fixed termini or over a regular route; and further that neither of said defendants has obtained from this Commission a certificate declaring that the public convenience and necessity requires such operation. It appearing, however, that the United States Supreme Court has determined that jurisdiction over such service does not inhere in this Commission;

It is hereby ordered, that the within complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this third day of July, 1926.

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DECISION No. 17089.

IN THE MATTER OF THE APPLICATION OF ISLAND TRANSPORTATION COMPANY, UNDER SECTION 63 OF THE PUBLIC UTILITIES ACT, FOR AUTHORITY TO INCREASE CERTAIN RATES FOR THE TRANSPORTATION OF GRAIN.

Application No. 11264.

Decided July 6, 1926.

RATES—CARRIER BY WATER—INLAND WATERS—GRAIN.—Island Transportation Company authorized to cancel rate of $1.40 per ton, minimum 100 tons, for transportation of grain from Stockton to San Francisco and Oakland, and to apply in lieu thereof a rate of $1.60 per ton, minimum 30 tons

Sanborn and Roehl and DeLancey C. Smith, for Applicant.
Seth Mann, for San Francisco Chamber of Commerce, Protestant.
Edson Abel, for California Farm Bureau Federation, Protestant.

BY THE COMMISSION.

OPINION.

In this proceeding Island Transportation Company makes application under section 63 of the Public Utilities Act for permission to cancel its rate on grain from Stockton to San Francisco and Oakland of $1.40 per ton, minimum 100 tons, published in item 20, page 8 of its Tariff C. R. C. No. 5, which will result in the application of the regular rate of $1.60 per ton, minimum 30 tons, published in the same item.

A public hearing was held before Examiner Austin at San Francisco, when evidence was offered and the matter was duly submitted. The granting of this application was protested by the California Farm Bureau Federation and the San Francisco Chamber of Commerce. The latter, however, took no active part in the hearing; therefore, the Farm Bureau may be considered as the only protestant, and will be referred to as such.

The record shows that between January 1 and October 31, 1925, applicant handled 58,522 tons of all commodities, and expected during the remainder of the year to handle about 5000 tons additional freight. Since approximately 75 per cent of the total tonnage consisted of grain, applicant handled during the ten-month period in question about 44,000 tons of grain. The movement in 100-ton lots under the $1.40 rate in question has been light, no shipments having been made in 1924, and but 15 shipments in 1925. Had the $1.60 rate been applied on all the grain handled between Stockton and San Francisco and Oakland under the $1.40 rate in 1925, the additional revenue would have been but $525.46, thus indicating that the total movement between these points in 1925 under this rate was 2627.3 tons.

In order to justify the proposed increase, applicant introduced three exhibits showing the revenue derived from the movement of

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three barge loads of grain from Stockton to San Francisco during June and July, 1925, and the actual cost of handling these shipments. These are fairly representative of other shipments of grain moving in barges and motor boats. The information contained in these exhibits may be thus summarized:

Grain tonnage pounds	*Grain revenue*	*Total expenses of transportation shown in exhibits*	*Expenses excluding overhead*
630,186	$441 13	$534 88	$364 04
740,613	518 42	503 91	280 31
772,989	541 10	623 17	391 55
2,143,788	$1,490 65	$1,661 96	$1,035 90
or	or	or	or
1,071.894 tons	$1.40 per ton	$1,55 per ton	$0.96 per ton

In arriving at the cost of $1.55 per ton, applicant has excluded depreciation and repairs and has included an overhead cost of $0.5993 per ton, which is based on the following expenses for the period, January 1 to October 31, 1925, inclusive:

Office salaries	$17,841 60
Office expenses	2,288 79
Insurance	5,958 80
Miscellaneous expenses	8,619 63
Legal expenses	362 00
Total	$35,070 83

The cost per ton of $0.5993 is derived by dividing the total shown above by the total number of tons carried during this period, viz, 58,522 tons.

Protestants objected to this overhead as being excessive in that it amounted to 33.8 per cent of the gross income of $103,478.48 received during the same period. (This item is derived by deducting from the total income of $103,918.76, shown on Exhibit 4, the item of miscellaneous income amounting to $440.28.) Protestant cited *In re Golden Gate Ferry Co.*, Decision No. 14725 (26 R. R. C. 172-178) and *In re Rodeo-Vallejo Ferry Co.*, Decision No. 14728 (26 R. R. C. 188-196), wherein the Commission criticized the general expenses of these companies as excessive and allowed but a portion of them to be considered in determining reasonable rates for these carriers. Following the Rodeo-Vallejo case, where the Commission allowed general expenses amounting to 9.7 per cent of the gross revenues, protestant estimates that a reasonable sum to be allowed as general expenses in the instant case should not exceed $10,037.41 or $0.171 per ton.

As we have stated, applicant has not included any allowance for maintenance of equipment. However, he introduced testimony showing that for the ten-month period ending October 31, 1925, this item amounted to $22,284.04 or 38 cents per ton. Protestant objected to

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this figure as excessive, citing the Rodeo-Vallejo and Golden Gate Ferry cases, *supra,* and Southern Pacific Ferry case (*In re Southern Pacific Co.,* Decision No. 15119, 26 R. R. C., 682), and suggested that a proper amount to be allowed for this purpose should not exceed 4.35 per cent of the value of the operative property, this being the average of the amounts shown in the Rodeo-Vallejo and Golden Gate Ferry cases. Based on applicant's 1924 report to the Commission, protestant has assumed the value of applicant's operative property to be $338,680, which is less than the value arrived at on the basis of applicant's claimed depreciation of 10 per cent, which would result in a valuation of $457,805. Assuming that a proper maintenance charge should not exceed 4.35 per cent of $338,680, protestant estimates this item at $14,732.58 or $0.251 per ton. The total transportation costs which should be charged against this traffic are estimated by protestant as follows:

Labor, commissary and fuel	$0.94	per ton
General expense	.171	per ton
Maintenance expenses	.251	per ton
Total out-of-pocket cost	$0.362	per ton

(The first item of 94 cents is predicated on the assumption that the total allowable income should not exceed $103,478.48 as explained above.)

This, as it will be noted, is but 4 cents less than the present rate of $1.40, which protestant contends under the showing made is reasonable and should be allowed to stand. We are not disposed to accept protestant's method of limiting the general expenses of the applicant to any fixed percentage arrived at in some other case. Each case must necessarily be decided upon its own merits. We can not assume that there is such a similarity between the facts shown in the Golden Gate and Rodeo-Vallejo Ferry cases and the instant application that any percentage fixed as a maximum in the former case should necessarily govern us in determining a proper allowance for general expenses in the present case. However, an inspection of the statement of applicant's general expenses convinces us that the item of $17,841.60 for office salaries is excessive for a transportation business such as that conducted by applicant. We believe that for the purpose of fixing rates there should be allowed no greater sum than $6,000 per year as salaries for the management of this property. At the rate of $500 per month this would result in a total allowance of $5,000 for the ten-month period in question. The difference between this sum and $17,841.60, or $12,841.60, should be deducted from the total amount of general expenses claimed by applicant of $35,070.83, leaving a balance allowable for total general expenses of $22,229.23 or $0.379 per ton.

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The item of 38 cents per ton for maintenance has not been shown to be excessive in this case. The decisions cited by protestant deal with substantially differing situations, involving different operating and traffic conditions, consequently they can afford no criterion of proper maintenance costs to be allowed in a proceeding such as this. As we have stated, each case must stand on its own footing and no general rule can well be established fixing a definite percentage as the limit for proper maintenance charges to be allowed in determining reasonable rates. Under the record in this proceeding we believe that the item of 38 cents per ton for maintenance has not been shown to be excessive.

In view of what we have stated, it appears that the following items are properly allowable as representing the direct out-of-pocket cost for handling the traffic in question, viz:

Labor, commissary and fuel	$0.96	per ton
General expense	.379	per ton
Maintenance	.38	per ton
Total out-of-pocket cost	$1.719	per ton

However, the total of $1.719 is not chargeable entirely against the down-stream traffic. We may fairly infer from the testimony of applicant's managing owner, Captain Benjamin Walters, that approximately 10 per cent of applicant's total traffic moved up-stream. Inasmuch as each commodity should bear its full share of the carrier's operating expenses, it is but fair to hold that the cost of handling this traffic should be credited with its due proportion of the up-stream traffic. Allowing 10 per cent for such traffic, there will be a deduction from the out-of-pocket costs shown above of $0.171 per ton, leaving a balance of $1.548 per ton, which will fairly reflect the cost of handling this traffic. This does not include depreciation nor taxes, both of which are substantial items, and it also excludes the transportation charges for operation of vessels which is also a substantial amount.

The average cost of $1.548 per ton for handling this traffic exceeds the rate of $1.40 in question here, and this fact alone would seem to indicate that applicant will be justified in increasing its rates.

It was also shown that during the ten-month period ending October 21, 1925, applicant's operations resulted in a deficit of $80,770.14. It is apparent from this fact, and also from the annual reports for 1923 and 1924, which were introduced in evidence, that applicant has been operating at a substantial loss. This also is a circumstance to be considered in determining this matter.

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Applicant introduced certain rate comparisons on grain which may thus be summarized:

	Rate per ton	*Minimum tons*
From Port Costa and Vallejo to San Francisco and Oakland	$1 50	30
From San Francisco and Oakland to Alameda and Berkeley	1 56	30
From San Francisco and Oakland to Rio Vista, Bird's Landing and Dolan's Landing	2 00	20

With reference to the rates between San Francisco and Oakland, and Alameda and Berkeley, it appears that the haul from Stockton to San Francisco is four times as long and twice as expensive. In the last item the landings shown are below Rio Vista and nearer San Francisco than Stockton, but because of bad landings the handling cost is at least 50 cents more per ton to San Francisco than from Stockton. Even deducting this 50 cents from the $2 rates, the difference will be greater than the rate of $1.40 in issue here.

Protestant referred to applicant's rate on peas and beans from Stockton to San Francisco and Oakland of $1.40 per ton, minimum 15 tons, and $3 per ton for shipments under 15 tons. However, due to competitive conditions, this rate is nonintermediate in application. Between Stockton and San Francisco, and intermediate points, the rate on the same commodities is $2.30 per ton, minimum 15 tons, and $2.80 per ton for shipments under 15 tons.

Protestant also offered by way of comparison certain rates on grain and mill feed between Stockton and San Francisco published by the Vehmeyer Transportation Company and the Wheeler Transportation Company, both of which are in competition with applicant. It is sufficient to say that there was no showing made of any similarity in the surrounding circumstances and conditions so, therefore, but little weight can be attached to such a showing.

Under the showing made by the applicant we believe that the application should be granted.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that the applicant has justified the cancellation of the rate of $1.40 per ton, minimum 100 tons, on grain between Stockton and San Francisco and Oakland set forth in item 20, page 8 of its Tariff C. R. C. No. 5, and the application in lieu thereof of the present rate on said traffic between said points of $1.60 per ton, minimum 30 tons, published in the same item of said tariff.

An order will be entered accordingly.

ORDER.

This application having been duly heard and submitted and full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the preceding opinion;

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It is hereby ordered, that the application of Island Transportation Company be and the same is hereby granted and that applicant be and it is hereby authorized, on not less than ten days' notice to the Commission and to the public, to cancel the rate of $1.40 per ton, minimum 100 tons, for the transportation of grain from Stockton to San Francisco and Oakland, published in item 20, page 8 of its Tariff C. R. C. No. 5, and to apply on said traffic, in lieu thereof, the present rate now published in said item of said tariff, of $1.60 per ton, minimum 30 tons, applicable to the transportation of grain between said points.

Dated at San Francisco, California, this sixth day of July, 1926.

DECISION No. 17097.

IN THE MATTER OF THE APPLICATION OF GOLDEN GATE FERRY COMPANY, A CORPORATION, AND THE GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS ACROSS THE INLAND WATERS OF THE STATE BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF BERKELEY.

Application No. 12661.

Decided July 7, 1926.

CERTIFICATE—TRANSPORTATION—VEHICLE FERRY—INLAND WATERS.—Certificate granted to The Golden Gate Ferry Company to operate ferry service for the transportation of vehicles, together with the occupants thereof, and the freight thereon, but not foot passengers, between San Francisco and Berkeley.

PUBLIC CONVENIENCE.—It is found the proposed service will be more convenient to approximately 20 per cent of the traffic between San Francisco and East Bay points.

FUTURE REQUIREMENTS.—It is held that additional service will be required to care for traffic within the next four or five years and that it is not too soon now to make arrangements for such additional service.

Devlin and Brookman and *Dudley Sales*, for the Applicant.
H. C. Booth, for the Southern Pacific Company.
E. J. Sinclair, City Attorney for City of Berkeley.
John J. O'Toole, City Attorney, and *John Daley*, Assistant City Attorney, for City and County of San Francisco.
C. R. Corbuster, for West Berkeley Commercial Association.
Charles Keeler, for Berkeley Chamber of Commerce.
W. D. Jones, for University Avenue Development Association.
J. Henry Wolbold, for Berkeley Health Board.
Fred Hoffman, for Ashby Community Club.
Geo. Gelder, for Central Improvement Club and North Road Improvement Club.
Ormsby Donogh, for Kensington Improvement Club.
J. A. Reynolds, for Telegraph Avenue Commercial Association.
James S. Greene, for National Automobile Club.
Mrs. J. R. Rice, for Business and Professional Women's Club.
J. J. Rahill, for Berkeley Manufacturing Association.
Albert M. Hardy, for Buena Peralta Improvement Association.
Geo. W. Gehrhart, for Civic League of Improvement Clubs.

DECOTO, *Commissioner.*

OPINION.

On September 14, 1925, the Golden Gate Ferry Company filed its application for a certificate of public convenience and necessity to

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operate a public ferry for the transportation of (1) foot passengers, (2) automobiles and their occupants and (3) trucks and freight between the city and county of San Francisco and the city of Berkeley. This application was opposed by the Key System Company and the Southern Pacific Company. After a full hearing thereon the commission on the twenty-fifth day of January, 1926, filed its opinion and order denying the application (Decision No. 15899). The application was denied on the ground that no evidence had been produced by the applicant to support its request to carry foot passengers and on the further ground that the field was fully occupied by the operation of the Southern Pacific Company.

The applicant on February 2, 1926, filed its petition for a rehearing, which was argued before the Commission *en banc* on February 18, and on March 19, 1926, the Commission filed its opinion and order denying the rehearing on the ground that no evidence had been produced to show any necessity for additional facilities for the transportation of foot passengers between Berkeley or other East Bay cities and San Francisco.

The opinion and order contained the following paragraph:

> At the close of the argument on the application for rehearing, and in answer to a question from the Commission, the attorney for the applicant, after consultation with A. O. Stewart, the president of the company, and with his approval, stated that the applicant, under the application now before us, would not accept a certificate of public convenience and necessity for the transportation of automobiles with their occupants and trucks and freight, unless it was also granted the right to carry foot passengers. This attitude, on the part of the applicant has made it impossible for the Commission to grant the rehearing. If the applicant had shown a willingness to amend its application so as to cover automobiles and their occupants and trucks and freight, excluding foot passengers, the Commission would have been inclined to grant the rehearing. However, should the applicant change its attitude and desire a certificate to carry automobiles and their occupants and trucks and freight, excluding foot passengers the way is still open to it to file a new application for such a limited certificate, which application would receive due and careful hearing by this Commission.

For some reason the officers and attorneys for the applicant have apparently changed their minds for they are now seeking what they formerly said they would not accept. On March 22, 1926, the Golden Gate Ferry Company, a corporation, filed another application seeking a certificate of public convenience and necessity to operate vessels across the inland waters of the State of California between the city and county of San Francisco and the city of Berkeley and proposing in the operation of said vessels to limit the traffic transported to vehicles together with the occupants thereof and the freight thereon. On May 10, 1926, a joint application of Golden Gate Ferry Company, a corporation, and The Golden Gate Ferry Company, a corporation, for the same operation, was filed. The application of Golden Gate Ferry Company

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has been dismissed and this opinion will consider the application of The Golden Gate Ferry Company.

Recognizing the importance of the proposed service to the people of San Francisco and Berkeley and desiring a much more complete and thorough presentation of all the facts than was presented upon the hearing of the former application, the Commission directed A. G. Mott, chief of the transportation department of the Commission, to make a full and complete investigation and study of the proposed service and an analysis of all the auto traffic crossing the bay.

Upon the hearing Mr. Mott, together with other witnesses, presented a very full and complete study of the auto traffic crossing the bay. Consideration of that portion of the testimony of Mr. Mott showing the inadequacy of the service now being given by the Golden Gate Ferry Company, in its present operations between its Hyde street terminal and Marin county will be omitted from this opinion as those matters have been fully set forth and considered by the Commission in Decision No. 17030, July 2, 1926.

Many of the leading citizens of both San Francisco and Berkeley appeared before the Commission and testified that the proposed service would be not only a convenience but a necessity to those cities.

The evidence in this case will be considered under three heads, *i. e.:* (1) service conditions, particularly relating both to the present and future adequacy of the service rendered by the existing carrier and the probable present and future adequacy of the proposed service; (2) the relation of the transbay service to the general traffic in the communities served, together with the traffic congestion affecting the various routes and (3) the financial considerations both as related to the applicant and other carriers whose operations might be affected by the installation of the proposed service.

Service conditions.

On December 5, 1925, the decision of this Commission reducing the rates of the Southern Pacific on transbay auto traffic went into effect. This decision reduced the rates from $1.05 for each passenger vehicle to 60 cents and from 8 cents for each passenger to 5 cents. This reduction has resulted in an increase of traffic far in excess of that predicted. For instance, the month of May, 1926, shows an increase over the corresponding month of 1925 of 35.4 per cent.

The Southern Pacific Company has steadily met this rise in traffic and has increased the number of boats operating in this service until on peak days during peak hours it has ten boats in operation and gives approximately a seven-minute service. This service adequately handles all traffic at present offered. This company has announced its intention to add another slip at the foot of Seventh street in Oakland, to improve its facilities at the San Francisco terminal, to

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commence an additional operation to Alameda pier, and to enlarge its facilities to meet all future traffic needs. It has at all times improved its service to meet the demands of the traffic and for the purpose of this decision it will be assumed that it would in the future continue so to do.

Relation of transbay service.

A study of the San Francisco-Oakland transbay service for the years 1922 to June 1, 1926, inclusive, has demonstrated that there is a normal increase in traffic of 12 per cent compounded annually. It is estimated that the installation of a new service as proposed will stimulate travel 8 per cent. This will mean that in March, 1927, the increase in traffic will necessitate the use of 14 boats.

Of the population of the East Bay district 81 per cent is in the territory more favorable to the Southern Pacific Seventh street pier, 18.3 per cent is in the territory more favorable to the proposed service and .7 per cent is in the territory more favorable to the Richmond service.

A traffic check of the origin and destination of the transbay Southern Pacific vehicular traffic was made and answers were given by 99.7 per cent of those traveling between the hours of 7 a.m. and 7 p.m. on the day selected. This constituted 69.3 per cent of the total traffic for 24 hours. The eastbound traffic originating in San Francisco, showed that 80.8 per cent originated in the territory more favorable in travel time to the terminal of the Southern Pacific ferry at Mission and Embarcadero and 19.2 per cent in territory more favorable to the Hyde street terminal of the Golden Gate. The westbound traffic originating in the East Bay district and routes contributory thereto showed that 76.4 per cent originated in territory more favorable to the Southern Pacific Seventh street pier and 23.6 per cent in territory more favorable to the proposed Golden Gate Pier. A study of the destinations of this westbound traffic showed that 81.2 per cent had a destination in the area more favorable to the Southern Pacific terminal at Mission and Embarcadero and 18.8 per cent had a destination in the area more favorable to the Hyde street terminal of The Golden Gate Ferry Company. This seems to indicate that about 20 per cent of the present traffic might be expected to patronize the proposed service.

A particular study of the congestion on the routes to the Mission and Embarcadero terminals of the Southern Pacific Company and the Hyde street terminal of The Golden Gate Ferry Company indicated that the congestion of traffic, if it can be called congestion, was about the same on both routes. The same situation seems to apply to the Eastbay. The vehicular count showed that on Sundays the vehicular

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traffic at the intersection of University and San Pablo avenues was over 22,000, which is comparable with the Seventh street Sunday traffic.

It seems apparent from the evidence that if the proposed service is installed it will be only a short time until a grade separation will be necessary on University avenue in Berkeley, as the traffic to the proposed ferry must cross all main line and switching tracks of the Southern Pacific Company. This will involve the expenditure of approximately $500,000, which must be borne by the city of Berkeley and the carriers.

In considering bay traffic it appears that there is a slightly greater traffic crossing the routes leading to the San Francisco Ferry building near the Southern Pacific terminals than crossing the routes leading to the Golden Gate terminal at Hyde street and that the congestion is greater in front of the Southern Pacific terminal than the proposed terminal of The Golden Gate Ferry Company.

Financial considerations.

The Golden Gate Ferry Company proposes to build a pier 3½ miles long from the foot of University avenue in Berkeley and to operate three boats on a twenty minute schedule between 6.30 a.m. and 7 p.m. and thereafter on a schedule with greater intervals. The traffic survey of Mr. Mott indicates that this proposed service would attract approximately 20 per cent of the week day traffic and 30 per cent of the Sunday traffic. The company should provide four boats instead of three as proposed to accommodate properly this traffic. The probable rate base necessary to provide this four-boat operation would be approximately $2,565,000 and the estimated return for 1927 is as follows:

Operating revenue	$732,000 00
Operating expense	543,000 00
Net operating revenue	$189,000 00
Deduct taxes	26,000 00
Net income	$163,000 00

This net income of $163,000 is a return of about 6.4 per cent on a rate base of $2,565,000. It is estimated that five boats will be required in 1928, which would make the probable rate base $2,992,000. This operation would yield a net income of $193,000, which would be a return of 6½ per cent on that rate base.

If the Southern Pacific were permitted to operate alone, the capital outlay for the increased facilities would exceed the capital outlay for an operation by both the Southern Pacific and the Golden Gate by $240,000, but the operation by the Southern Pacific alone would cost $317,000 less per year and be at a cost of 44½ cents a vehicle as against a cost of 48½ cents a vehicle for the operation of both companies. How-

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ever, the return to the Southern Pacific operating alone would be 12.6 per cent and its return with other companies operating would be 12.3 per cent as its investment naturally would be less.

An examination of the facilities of the Southern Pacific indicates that there are now two slips at Oakland pier with a possible space for an additional slip and that at San Francisco there are available three slips, Piers 8, 9, and 10, for the Oakland service plus the Richmond service. It would therefore appear that by August, 1927, with no Berkeley service inaugurated, the actual capacity of the Southern Pacific Sunday service in so far as slips are concerned will be exceeded. One slip at Pier 36 already exists that could be used for that service making a total of four slips giving an available capacity of 16 boats per hour. This it apears will be sufficient for the years 1928 and possibly 1929, assuming no further reduction in fares and a continuance of the same grade of service. Any expansion of terminal facilities on the San Francisco side beyond this point is a matter involving large expenditures and a very substantial rearrangement of facilities along the San Francisco waterfront. The inauguration of a Berkeley service would make possible the addition of approximately one and one-half slips at the Hyde street terminal of the Golden Gate Company or six boats per hour. Based upon the growth of traffic that has occurred in the last few years, the conclusion seems justified that a total capacity of twenty boats per hour on ordinary heavy days must be provided within the next four or five years.

This traffic capacity could be provided in two ways. The first would be by the inauguration of the proposed Berkeley service plus the augmentation of the Southern Pacific service to its maximum capacity from the Ferry Building, plus the inauguration of an additional service by some one from Pier 36 to Alameda, giving a total traffic capacity of twenty-two boats per hour. The second method would be by the expansion of the present Southern Pacific facilities operating from the Ferry Building to their maximum capacity, that is three slips or twelve boats per hour, and the provision of an additional service to Alameda with two slips eight boats per hour, both on the Alameda and San Francisco sides.

From this evidence the Commission finds:

1. That within the next four or five years the probable growth of traffic will require the augmentation of present facilities to adequately take care of this continuously growing traffic.

2. The establishment of the proposed Golden Gate-Berkeley service will delay certain investments that the Southern Pacific Company would otherwise have to make at an early date.

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3. The inauguration of the proposed Golden Gate-Berkeley service will not seriously impair the ability of the Southern Pacific to earn a substantial return on its investment.

4. The proposed Golden Gate-Berkeley service will be more convenient for about 20 per cent of the traffic.

5. That within the next four or five years the terminals of the Southern Pacific Company will be taxed to their fullest capacity.

6. That the present time is none too soon to commence to prepare to handle the future transbay auto traffic and in order that this future traffic may be accommodated a new carrier should be admitted to the field.

From these conclusions it would seem to the best interests of all the parties and particularly to the best interest of the City of Berkeley and the City and County of San Francisco that the application of The Golden Gate Ferry Company should be granted and a certificate of public convenience and necessity for the operation of vessels across the inland waters of the State of California, the operation of said vessels to be limited to the transportation of vehicles together with the occupants thereof and the freight thereon be issued.

It is to be understood, however, that it is not the intention of this Commission to grant a certificate that could in any way be construed to include the transportation of foot passengers.

ORDER.

The Golden Gate Ferry Company, a corporation, having applied for permission to operate vessels across the inland waters of the State of California between the city and county of San Francisco and the city of Berkeley, the operation of said vessels to be limited to the transportation of vehicles together with the occupants thereof and the freight thereon, and a public hearing having been held, evidence having been submitted and the Commission being fully advised:

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require the operation by The Golden Gate Ferry Company, a corporation, of vessels across the inland waters of the State of California, between the city and county of San Francisco and the city of Berkeley, the operation of said vessels to be limited to the transportation of vehicles together with the occupants thereof and the freight thereon; and

It is hereby ordered, that a certificate of public convenience and necessity be and the same hereby is granted, subject to the following conditions:

(1) Said vessels shall not at any time or under any circumstance carry or transport foot passengers.

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(2) Applicant shall commence the operation of said vessels within eighteen months from the date of this order.

(3) Applicant shall file with the Commission bimonthly reports of the progress during the period of construction, such reports to contain such information and data as may be required from time to time by the Commission.

(4) The Commission reserves the right to make such further orders relative to the construction, operation, and maintenance of said vessels as it may hereafter deem right and proper.

The foregoing opinion and order are approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

This order shall become effective ten days from the date hereof.

Dated at San Francisco, California, this seventh day of July, 1926.

DECISION NO. 17103.

IN THE MATTER OF THE APPLICATION OF R. MILLER, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXTEND THE OPERATION OF AUTOMOBILE STAGE LINE FROM PALM AVENUE (FORMERLY POTTER INN) ON PACHECO BOULEVARD NEAR THE TOWN OF MARTINEZ TO THE TOWN OF CONCORD AND INTERMEDIATE POINTS.

Application No. 10645.

Decided July 13, 1926.

CERTIFICATE—AUTO STAGES—TO EXTEND.—Application granted.

COMMISSION'S JURISDICTION—COUNTY POLICE POWERS—PUBLIC CONVENIENCE AND NECESSITY.—It is found that the county of Contra Costa has no power to supervise or regulate auto carriers, and that the ordinance of that county prohibiting the operation of auto carriers over highways in that county is inoperative, and the Commission has sole jurisdiction in the premises. No such divided authority is contemplated by the statute of 1919 conferring jurisdiction on the Commission.

COUNTY POLICY—PUBLIC CONVENIENCE AND NECESSITY MUST CONTROL.—The Commission holds that though the county ordinance may be legally inoperative, it is nevertheless entitled to the Commission's respectful consideration. If there is substantial evidence of public convenience and necessity warranting the proposed service, the certificate should be granted.

J. E. Rodgers and *A. F. Bray*, by *A. F. Bray*, for Applicant.
A. B. Tinning, District Attorney of Contra Costa County, for Contra Costa County, Protestant.
C. M. Carrigan, for Southern Pacific Company, Protestant.
Charles A. Beck, for San Francisco-Sierra Motor Coach Lines, Protestant.

BY THE COMMISSION.

OPINION.

In this proceeding, R. Miller seeks a certificate of public convenience and necessity authorizing the operation of an automobile stage service, as a common carrier of passengers, between Palm avenue, on Pacheco boulevard near Martinez, and Concord and intermediate points, as an extension of and in conjunction with his present stage service now

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operated between Martinez and Palm avenue, pursuant to authority granted by this Commission's Decision No. 7848, in Application No. 5878. The entire route is in Contra Costa County. Applicant's proposed rates, time schedule, and a general description of his equipment, appear in the application.

A public hearing was held before Examiner Austin at Martinez, when the matter was submitted, and is now ready for decision.

Applicant's testimony shows that he has been operating a stage line from Martinez to Palm avenue, a point on the road to Concord about one mile east of Martinez, which he desires to extend to Concord; and he is also operating a stage line between Martinez and Bay Point. Applicant proposes to use two busses exclusively for the proposed service to Concord, which will accommodate the traffic, and is prepared to furnish other equipment if needed. In so doing he will not be obliged to transfer equipment from his other line, as new equipment is being constructed for the proposed service. Applicant has discussed this matter with merchants and business men at Martinez and Concord, and residents along the proposed route, some of whom would find the service convenient in enabling them to reach Martinez, the county seat, on legal business, and in some instances school children would use this service to Concord in order to attend the agricultural courses. At present, he testified, there is no direct service between Martinez and Concord. The Southern Pacific Company operates one round trip daily between these points, charging a fare double that proposed by applicant and, in addition, the San Francisco-Sacramento Railroad Company operates through Concord, connecting with the Southern Pacific Lines at Bay Point. Applicant proposes to operate on a schedule of five round trips daily, his running time between termini being thirty minutes, for a one-way fare of 25 cents. For the past six years applicant has conducted a jitney bus service at Martinez, and has found it necessary to go to Concord two or three times daily, carrying an average of six passengers per day. He has also observed jitney busses from Concord in Martinez four or five times a week.

Applicant called five witnesses, consisting of representative business men of Martinez and Concord, who testified in substance that the proposed service would be convenient, beneficial and necessary to those desiring to travel between those points, including those having legal business at the county seat, jurors and taxpayers. Two of these witnesses testified that the existing rail service is inconvenient and does not accommodate the public, and that the only feasible method of transportation is by means of jitney busses, specially hired for the trip, or through the accommodation of friends driving their own automobiles. One witness, a business man of Concord, stated that the service formerly maintained by Southern Pacific Company was adequate, but since the

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advent of the electric line it has been so curtailed that there is practically no means of public transportation between the two towns.

The granting of this application was protested by Southern Pacific Company, the county of Contra Costa, and San Francisco-Sierra Motor Coach Lines.

The protestant Southern Pacific Company submitted statements showing its passenger train schedule and fares between the points in question. The time schedule shows but one round trip daily except Sundays, leaving Martinez at 9.40 a.m. and arriving at Concord at 10.15 a.m.; and leaving Concord at 4.15 p.m. and arriving at Martinez at 5.20 p.m. In addition to the one-way fare of 42 cents between Martinez and Concord, commutation tickets are sold at reduced rates.

The protest of San Francisco-Sierra Motor Coach Lines was based on the ground that applicant's stage line, if established, would constitute part of a through service from Martinez to San Francisco, rendered in connection with the rail lines of San Francisco-Sacramento Railroad Company with which applicant will connect at Concord, and thereby will compete with an automobile stage service which protestant desires to establish from San Francisco to Martinez, via the San Francisco-Richmond ferry to Richmond, as part of a through service between San Francisco and San Francisco Recreation Camp, in Tuolumne County. Its application (No. 10684) is still pending, having been submitted since the hearing of this case. Protestant introduced evidence tending to show the possibility of such a through service being conducted by applicant in connection with the electric line, and offered testimony that its proposed through service between San Francisco and Martinez would be superior, both as to lower fares and as to shorter running time. Applicant stated that he contemplated only a local service between Martinez and Concord, and had made no arrangements with the electric line for a through service from Martinez to San Francisco via Concord.

This protestant referred to this Commission's Decision No. 12780, Application No. 9208, dated November 5, 1923, authorizing the operation by Wm. V. Hogan, doing business as Concord Transit Company, of an automobile stage line between Pacheco and Concord. According to the time schedules on file (which were introduced by stipulation), Concord Transit Company undertakes to operate by two round trips daily over its route. Although this carrier was notified of the hearing of this proceeding, he did not see fit to appear or enter any protest.

Protestant Contra Costa County introduced in evidence Ordinance No. 176 adopted by its board of supervisors on June 4. 1923, prohibiting the operation of any "automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier for compensation," over certain

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designated public highways within the county, including the highway over which applicant here seeks permission to operate. The violation of this ordinance is made a misdemeanor and it is declared therein that it has been passed

> in the interest of public safety and for the protection of the traveling public upon said highways under the general police power granted said board.

On behalf of the county, the district attorney stated it was the policy of the county to bar from its highways, in order to conserve them, all of the traffic described in the ordinance.

In considering the effect of this ordinance, we shall refer to certain provisions of the Auto Stage and Truck Transportation Act (Stats. 1917, Ch. 213).

Section 1 (*c*) defines a transportation company as one operating "over any public highway in this state between fixed termini or over a regular route"; section 1 (*d*) defines the term "public highway" as meaning "every public street, road or highway in this state"; section 2 prohibits transportation companies from operating over the public highways except in accordance with the provisions of the statute; section 5 exacts of such carriers a certificate of public convenience and necessity before commencing operations, and clothes the Commission with power to issue these certificates; and section 4 provides in part:

> The Railroad Commission, in the exercise of the jurisdiction conferred upon it by the constitution of this state and by this act, shall have power and authority to make orders and to prescribe rules and regulations affecting transportation companies, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county, and in case of conflict between any such order, rule or regulation and any such ordinance or permit, the order, rule or regulation of the Railroad Commission shall in each instance prevail.

In connection with this positive declaration of the statute, we must consider the repeal of section 3 of the original act, by the amendment of 1919 (Stats. 1919, Ch. 280).

Section 3 of the act of 1917 required every carrier subject to the statute, before commencing the operation of its line, to obtain from the legislative or other governing board or body of each incorporated city or town, city and county, and county within or through which it intended to operate, a permit authorizing such operations within such political subdivisions. The form of the application for a permit was prescribed, a public hearing was required upon notice by publication to the public, and the form of the permit was set forth. In addition, certain powers were vested in the political subdivisions with respect to the supervision of service, the licensing of drivers, the filing of indemnity bonds, and the regulation of rates, service and safety. As the law then existed, a county could prevent the operation of a stage line within its borders, by denying a permit. But in 1919, this section

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was repealed, and as the statute now stands, no power is expressly conferred upon cities, towns or counties to supervise or regulate such carriers in any way.

It is apparent that the legislature has vested in the Commission exclusive power to certificate, authorize and regulate the operations of common carriers over the public highways between fixed termini or over a regular route. The ordinance in question, if valid, would necessarily operate to strip from the Commission all power to authorize such carriers to conduct their operations over any of the roads therein designated. In our opinion the statute contemplates no such divided authority over these carriers; in fact, the repeal of section 3, in 1919, indicates exactly the contrary, the legislature having then withdrawn the power which had previously been vested in the local legislative tribunals. We believe that the ordinance is repugnant to this statute.

But even though the ordinance may be legally inoperative, it is nevertheless entitled to our most respectful consideration as indicating the policy of the board of supervisors of Contra Costa County in respect to the operation of stage lines over certain of its county highways. It is an important factor to be considered in determining whether public convenience and necessity will be subserved by authorizing the proposed service. All other things being equal, we should feel inclined to deny a certificate, upon such a showing by the county. But if there be substantial evidence of public convenience and necessity which in our judgment would warrant the proposed service, we believe it our duty so to declare, and to issue a certificate accordingly. Under the law this is a function we can not abdicate to the county authorities, however much we may respect their judgment, or whatever weight we may accord their opinions.

We believe that the evidence in this case is sufficient to warrant the authorization of the proposed service. Accordingly a certificate will be granted.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the operation by R. Miller of an automobile stage service, as a common carrier of passengers between Palm avenue, on Pacheco boulevard near the town of Martinez, and Concord and intermediate points, the same to be operated and conducted as an extension of and in conjunction with applicant's present automobile stage service between Martinez and Palm avenue, the whole being operated as one consolidated and unified automobile stage service.

An order will be entered accordingly.

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ORDER.

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact which appears in the opinion preceding this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by R. Miller of an automobile stage service, as a common carrier of passengers between Palm avenue, on Pacheco boulevard near the town of Martinez, and Concord and intermediate points, the same to be operated and conducted as an extension of and in conjunction with applicant's present automobile stage service between Martinez and Palm avenue, the whole to be operated as one consolidated and unified automobile stage service.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to said R. Miller in the operation of the service hereinabove described, subject to the conditions hereinafter set forth:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this thirteenth day of July, 1926.

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DECISION No. 17104.

IN THE MATTER OF THE APPLICATION OF LOS ANGELES WATER SERVICE COMPANY, CONSOLIDATED WATER AND DEVELOPMENT COMPANY, SOUTH PARK WATER COMPANY, LAWNDALE LAND AND WATER COMPANY, MELVIN PLACE WATER COMPANY AND THE CALHOUN PLANT FOR A CERTIFICATE AUTHORIZING THE SALE AND TRANSFER OF THE PROPERTIES AND ASSETS OF CONSOLIDATED WATER AND DEVELOPMENT COMPANY, SOUTH PARK WATER COMPANY, LAWNDALE LAND AND WATER COMPANY, MELVIN PLACE WATER COMPANY AND THE CALHOUN PLANT TO LOS ANGELES WATER SERVICE COMPANY, AND FURTHER AUTHORIZING SAID LOS ANGELES WATER SERVICE COMPANY TO SELL AND ISSUE ITS SECURITIES.

Application No. 12793.

Decided July 13, 1926.

TRANSFER—WATER UTILITIES—TO SELL.—South Park Water Company, Consolidated Water and Development Company, Lawndale Land and Water Company, Melvin Place Water Company and The Calhoun Plant authorized to sell their public utility water properties to Los Angeles Water Service Company, which is authorized to acquire and to operate the same.

SECURITIES—STOCK AND BONDS—TO ISSUE.—Los Angeles Water Service Company authorized to issue not exceeding $250,000 of common stock and not exceeding $385,000 of 6½ per cent bonds in payment for said properties, and other corporate purposes.

Knight and Reynolds, by *Goodwin J. Knight*, Attorney, and *Frank Gillelen*, Engineer, for Applicants.
Earl F. Crandall, for delegation of property owners of Green Meadows Water District, Proponent.
Floyd M. Hinshaw, Deputy City Attorney, and *M. Thad. Irwin*, Engineer, for Department of Water and Power, City of Los Angeles, Protestant.
R. G. Thomas, for delegation of consumers, Protestant.
Charles F. Kenyon and *H. F. Norden*, for Chamber of Commerce of South Los Angeles, Protestant.
Captain William Bryden, for Los Angeles Fire Department, Protestant.
Fred T. Osborn, for Harbor Boulevard Association Committee, Protestant.
H. D. Wood in propria persona, Protestant.
Thomas H. Cox in propria persona, Proponent.
H. H. Harris, for Lewis Henry, Protestant.
L. H. Hodgen in propria persona, and for Harbor Boulevard Association Committee, Protestant.
Mrs. Pearl L. Walker, for Greater South Los Angeles Chamber of Commerce, Protestant.
H. O. Kokabe, President Harbor Boulevard Association Committee, Protestant.
Joseph F. Hingsley, representing signers of petition in protest.
J. F. Ferguson in propria persona, Protestant.

BY THE COMMISSION.

OPINION.

The Railroad Commission is asked to make an order authorizing the following:

1. The sale of all of the property, franchises and assets of the Consolidated Water and Development Company, South Park Water Company, Lawndale Land and Water Company, Melvin Place Water Company and The Calhoun Plant to Los Angeles Water Service Company upon the terms and conditions hereafter set forth.

2. The sale and issuance of 4000 shares ($400,000 par value) of the common capital stock of Los Angeles Water Service Company in part

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consideration of the transfer of the property and assets of said companies to said Los Angeles Water Service Company.

3. The sale and issuance of bonds of said Los Angeles Water Service Company in the aggregate face amount of $385,000 for the purposes hereinafter set forth.

Applicant, the Los Angeles Water Service Company, is a corporation duly organized under and by virtue of the laws of the State of California. The authorized capital stock of the corporation is $1,000,000 divided into 7500 shares of common of the par value of $100 per share and 2500 shares of preferred of the par value of $100 per share. The company proposes to purchase all the business, property and assets of Consolidated Water and Development Company, South Park Water Company, Lawndale Land and Water Company, Melvin Place Water Company and The Calhoun Plant. The territory served by the several companies and plants is by applicants divided into a western and eastern division. The western division comprises the area now served by the Lawndale Land and Water Company and by some of the plants of the Consolidated Water and Development Company. The western division lies to the south and east of the city of Hawthorne. None of such division is within the city limits of Los Angeles.

The eastern division is now served by the South Park Water Company, the Melvin Place Water Company, The Calhoun Plant and by several plants of the Consolidated Water and Development Company. That portion of the eastern division bounded on the east by Central avenue, on the north by Manchester avenue, on the west by Figueroa street and on the south by 120th street, is within the city limits of Los Angeles. A portion of the eastern division is outside of the city limits. The eastern and western divisions are not interconnected, neither is it planned to interconnect the same.

Applicants in their Exhibit 5 report that the total area to be served by Los Angeles Water Service Company is 6½ square miles, of which 2.84 square miles is within the city limits of Los Angeles and 3.66 square miles without the city limits. As of January 1, 1926, the total number of active consumers is reported at 5188.

Eastern Division	*Total No. of Consumers*	*Inside City, L. A.*	*Outside City, L. A.*
South Park Water Co.	2,256	2,247	9
Consolidated Water and Development Co.	1,069	949	120
Melvin Place Water Co.	681	681	----
Calhoun Plant	286	286	----
Totals Eastern Division	4,292	4,163	129
Western Division			
Consolidated Water and Development Co.	278	----	278
Lawndale Land and Water Co.	618	----	618
Totals Western Division	896	----	896
Grand totals	5,188	4,163	1,025

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The properties which the several companies and individuals intend to transfer to the Los Angeles Water Service Company are described in Exhibits D, D-1, D-2, D-3 and D-4. Exhibit D consists of an inventory and appraisal of the properties prepared by Olmstead and Gillelen, consulting engineers, while Exhibits D-1, D-2, D-3 and D-4 contain a description of the real property to be acquired by the Los Angeles Water Service Company. In Exhibit D applicants report the reproduction cost new of the properties as of March 31, 1926, at $781,524 and the present value at $583,606. The two amounts are distributed among the several companies and plants as follows:

	Reproduction cost	*Depreciation*	*Present value*
South Park Water Company	$289,360	$47,882	$241,478
Consolidated Water and Development Co.	259,770	85,190	174,580
Lawndale Land and Water Company	126,297	46,702	79,595
Melvin Place Water Company	34,696	12,940	21,756
Moneta Tract Water Company	11,401	5,204	6,197
Organization	10,000	------	10,000
Water rights	50,000	------	50,000
Total value properties of Los Angeles Water Service Company before installation of proposed improvements	$781,524	$197,918	$583,606

F. H. Van Hoesen, assistant engineer for the Commission, in the Commission's Exhibit No. 1 reports that the reproduction cost and present value of the properties as submitted by applicants are reasonably correct, with the exception of the allowance of $50,000 for water rights and $10,000 for organization. Regarding these two items he states:

> In view of the fact that water is obtained from wells tapping the underground storage and can be obtained by drilling in nearly any location throughout the territory, it is believed that no value should be assigned to water rights for the purpose of this proceeding. The item of organization expense amounting to $10,000 should not be included in the valuation at this time.

The appraisal figures submitted are said to represent estimated reproduction cost new of the properties. The $781,524 includes an allowance of $59,167 as the cost to resurface the streets as required by city ordinance, while the present value of $583,606 includes an allowance of $39,977 for a similar purpose. These charges would have to be incurred were the entire plant constructed new or reconstructed at the present time. There is, of course, no such proposal before us now.

The above figures do not include the improvements which the Los Angeles Water Service Company intends to install at a cost of $94,000 nor the improvements recently installed by the South Park Water Company at a cost of $32,972.50, nor the $12,275 of working capital that the new company intends to obtain from the sale of bonds. The three figures just mentioned aggregate $139,247.50. Adding the $139,247.50 to the reported reproduction cost new ($781,524) makes a total of

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$920,771.50, and if added to the reproduction cost less depreciation or present value ($583,606) one obtains a total of $722,853.50. Against this cost or value the new company proposes to issue $400,000 of common stock and $385,000 of 7 per cent bonds due June 1, 1946. It asks permission to sell the bonds at 92 per cent of their face value and use the proceeds for the following purposes:

To pay outstanding $125,000 of South Park Water Company bonds at 102½		$128,125 00
To pay current liabilities of Consolidated Water and Development Company		50,600 00
To pay for properties of Lawndale Land and Water Company		35,000 00
To pay for properties of Melvin Place Water Company		20,000 00
To pay for properties of Moneta Tract Water Company (The Calhoun Plant)		5,000 00
To pay expenses of consolidation, legal, engineering, appraisals, audits, etc.		10,000 00
To make improvements and betterments		94,000 00
Pumping plants	$7,490 00	
Elevated storage	15,600 00	
Distribution system	54,460 00	
Meters	6,750 00	
Office equipment	1,200 00	
Engineering	8,500 00	
Working capital		12,275 00
Total		$355,000 00

Counsel for applicants admitted that the service rendered by Consolidated Water and Development Company has been inadequate and unsatisfactory. Numerous complaints filed with the Commission from time to time show this to be the case. It appears from the Commission's Exhibit No. 1 that the main cause of the poor service from that company's system is due to the fact that each plant is operated as an independent unit so that any interruption of power or the necessity to repair pumps and equipment results in the turning off of water from consumers. In some places the lack of proper sized transmission or distribution mains causes poor pressure and service. It is believed that the program of improvements outlined by applicants which provides for higher storage tanks, the interconnection of the different pumping plants and installation of larger mains will remove all cause of complaint and enable the Los Angeles Water Service Company to give adequate and satisfactory service throughout the territory in which it intends to operate.

The question was raised whether the Los Angeles Water Service Company could, in territory annexed to the city of Los Angeles, install improvements under franchises obtained from the county of Los Angeles prior to the annexation. We are convinced that the annexation of territory to the city does not curtail any franchise rights granted by the county.

The $40,000 of stock which Los Angeles Water Service Company asks permission to issue is to be delivered to the South Park Water

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Company and will be distributed to its stockholders and to the stockholders of the Consolidated Water and Development Company as part payment for the properties of those companies.

Applicants in their Exhibit E-1 estimate the revenues for the year ending July 1, 1926, at $128,270, the operating expenses for the same period including maintenance, taxes but not depreciation, at $62,660, leaving a balance of $65,610 for depreciation, interest, sinking fund, dividends and surplus. The $65,610 is equal to 2.43 times the annual interest charge on $385,000 of 7 per cent bonds.

The city of Los Angeles has filed a written protest against the granting of this application. It alleges, among other things, that some of the territory served by the applicants is located within the corporate limits of the city of Los Angeles, and is part of the territory known as Green Meadows district, which is bounded approximately by Manchester avenue on the north, Figueroa street on the west, 120th street on the south, and Central avenue on the east; that the Bureau of Water Works and Supply is at present installing water mains varying from six to twenty-four inches in size in the main streets of said district and prior to the paving of said streets, that it is now ready and willing to make any necessary extensions in order to supply any applicants in said district; that said Bureau of Water Works and Supply is amply equipped with water and materials to make the necessary installations of water mains and furnish the inhabitants of the district with an adequate supply of water; that a special dispensation has been granted by the Board of Water and Power Commissioners to the people of said district for the installation of water mains and service connections therein, for the reason that said district is one which is composed of very modest homes and that payments would be accepted for such extensions upon monthly installments after the initial payment for the installation of the service. Protests have also been entered by representatives of the Chamber of Commerce of South Los Angeles, by the Harbor Improvement Association and by several individuals. Petitions signed by many of the consumers have been filed both in favor of, and against the granting of the application.

The testimony of T. M. Irwin, a witness called on behalf of the city of Los Angeles, shows that the city has laid mains, or will lay mains, in streets in the territory recently (Annexation Ordinance No. 53957, approved by the mayor of Los Angeles on February 9, 1926,) annexed in advance of paving such streets and that in a relatively short period of time the city will be in a position to serve all who make application for water in the recently annexed territory. In order to obtain water from the city the consumer must pay the city 80 cents per front foot plus the regular service connection charge of $15 for a ¾-inch service. Thus the owner of a 40-foot lot will have to pay $47,

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of which $15 must be paid at the time the contract is signed and the balance within four months in equal monthly payments. None of the payments are returned to the consumer.

Representatives of civic organizations and individuals who opposed the granting of the application did so primarly on the ground that the consolidation of the properties under permission from this Commission might give the new company an exclusive franchise, that the consolidation of the properties might cause the city to delay extending its mains, and that the consumers will be required to pay in rates an amount sufficient to enable the new company to redeem its bonds and stock. In our opinion, none of these fears are well founded. The granting of this application will not give the Los Angeles Water Service Company any exclusive franchise nor will it necessarily prevent any consumer from obtaining water from the city system, provided such consumer pays the city charges, nor will the consumers be required to pay in rates an amount sufficient to redeem the bonds and the stock, herein authorized to be issued. The rates to be charged by the new company will be under the supervision of the Commission and at no time has the Commission used the outstanding stock and bonds as a basis for the fixing of rates. Rates are based on the reasonable value of the property to be used in rendering service and not on the outstanding stocks and bonds.

The testimony submitted for and against the granting of this application has been carefully considered. We fully appreciate the possibility that the city of Los Angeles may secure a substantial number of the consumers now served by applicants corporation. The record, however, shows that in spite of the poor service with which some of the consumers had to contend during the past year or two, there has been no great demand made upon the city of Los Angeles for service. If all of the territory served by applicants were within the city limits, we might readily dismiss this application, for in that event no one would be left in a position where they could not obtain a satisfactory water supply. The fact is, however, that approximately 25 per cent of the consumers of applicants reside outside the city limits, and that many who reside within the city limits have expressed a desire to remain consumers of the private company. We repeat that no action that this Commission may take would prevent any one from making application to the city for service.

Giving effect to the estimated earnings submitted by applicants and considering the appraisals and the testimony relating thereto, we believe the Los Angeles Water Service Corporation should be permitted to issue after the effective date of the order herein $250,000 of stock and $385,000 of 6½ per cent bonds, said bonds to be sold for not less than 92 per cent of their face value and accrued interest, to acquire

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and construct the properties referred to in this opinion. If for any reason all of the said properties can not be acquired, free and clear of all incumbrances and a good title thereto secured, the price paid for any of such properties must be adjusted accordingly. No bonds may be issued until the Commission has authorized Los Angeles Water Service Company to execute a mortgage and/or deed of trust to secure the payment of such bonds.

ORDER.

Application having been made to the Railroad Commission for permission to transfer the public utility water plants and properties referred to in the foregoing opinion to the Los Angeles Water Service Company, and said Los Angeles Water Service Company having asked permission to acquire said properties and to issue $400,000 of stock and $385,000 of 7 per cent bonds, public hearings having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the Los Angeles Water Service Company should be permitted to issue not exceeding $250,000 of stock and not exceeding $385,000 of 6½ per cent bonds for the purposes herein stated, and that the money, property or labor to be procured and paid for through such issue is reasonably required by Los Angeles Water Service Company, and that this application should be granted as herein provided; therefore,

It is hereby ordered, as follows:

1. South Park Water Company, Consolidated Water and Development Company, Lawndale Land and Water Company, J. L. Munson, owner of Melvin Place Water Company, and J. C. Calhoun, owner of The Calhoun Plant, be and they are hereby authorized to sell their public utility water properties, more particularly described in Exhibit D and in Exhibits D-1, D-2, D-3 and D-4, to the Los Angeles Water Service Company, which company is hereby permitted to acquire said properties.

2. Los Angeles Water Service Company may, after the effective date hereof, issue on or before February 1, 1927, not exceeding $250,000 of common stock as part payment for said properties.

3. Los Angeles Water Service Company may, after the effective date hereof, issue and sell on or before February 1, 1927, at not less than 92 per cent of their face value and accrued interest, $385,000 of its 6½ per cent bonds due June 1, 1946, and use the proceeds for the following purposes:

To pay outstanding $125,000 of South Park Water Company bonds at 102½	$128,125 00
To pay current liabilities of Consolidated Water and Development Company	50,600 00
To pay for properties of Lawndale Land and Water Company	35,000 00
To pay for properties of Melvin Place Water Company	20,000 00
To pay for properties of Moneta Tract Water Company (The Calhoun Plant)	5,000 00

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To pay expenses of consolidation, legal, engineering, appraisals, audits, etc.		$10,000 00
To make improvements and betterments		94,000 00
Pumping plants	$7,490 00	
Elevated storage	15,600 00	
Distribution system	54,460 00	
Meters	6,750 00	
Office equipment	1,200 00	
Engineering	8,500 00	
Working capital		12,275 00
Total		$355,000 00

4. The authority herein granted will not become effective until Los Angeles Water Service Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $240, nor until the Commission by supplemental order has authorized said company to execute a mortgage and/or deed of trust to secure the payment of said $385,000 of bonds.

5. Los Angeles Water Service Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

6. This application in so far as it involves $150,000 of stock be denied, and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this thirteenth day of July, 1926.

DECISION No. 17105.

IN THE MATTER OF THE APPLICATION OF SIERRA AND SAN FRANCISCO POWER COMPANY, A CORPORATION, AND PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA UNDER SECTION 50 (*a*) OF THE PUBLIC UTILITIES ACT GRANTING TO APPLICANTS A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT, OPERATE AND MAINTAIN THE ELECTRIC TRANSMISSION LINE DESCRIBED IN THIS PETITION.

Application No. 12822.

Decided July 13, 1926.

CERTIFICATE—ELECTRIC UTILITY—TRANSMISSION LINE—TO CONSTRUCT.—Certificate granted to applicants to construct electric transmission line from Manteca, San Joaquin County, to Salinas, Monterey County.

R. W. Duval, for Pacific Gas and Electric Company.
Chickering and Gregory, by *W. C. Fox*, for Sierra and San Francisco Power Company.
Jas. F. Pollard, for Coast Valleys Gas and Electric Company.
Leo. H. Susman, for Coast Counties Gas and Electric Company.

BY THE COMMISSION.

OPINION.

Sierra and San Francisco Power Company and the lessee of this property, Pacific Gas and Electric Company, join in this application

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for an order of the Railroad Commission declaring that public convenience and necessity require the construction by applicants of a transmission line from Manteca, San Joaquin County, to Salinas, Monterey County.

The Sierra Company owns a hydro-electric plant on the Stanislaus River from which power is transmitted over a 104 kilovolt transmission line to San Francisco with intermediate substations at Manteca and Port Marion. From Port Marion a 60 kilovolt transmission line runs in a general southwesterly direction to San Juan and Salinas. Service is supplied at San Juan to Coast Counties Gas and Electric Company and Old Mission Portland Cement Company, and at Salinas to Coast Valleys Gas and Electric Company. The requirements of the Coast Counties and Coast Valleys companies have been steadily increasing until they can no longer be supplied by the 60 kilovolt line from Port Marion. To supplement this line, a direct line from Manteca to Salinas is to be built and it is this latter line which is covered by the present application. All of the property of the Sierra Company referred to herein is now operated by the Pacific Company under a fifteen-year lease.

The engineering department of the Railroad Commission has been in touch with the conditions referred to and the record in the present case shows the necessity for constructing the proposed line in order to meet increases in the sale of electricity. The proposed line will be used for transmission purposes only and there are involved no questions regarding competition or service to new territory. The record shows that the matter of county franchises is not before the Commission in this proceeding and that the finding desired by applicants is as to the necessity for the construction of the proposed line and does not relate to the adequacy of existing franchises.

ORDER.

Sierra and San Francisco Power Company and Pacific Gas and Electric Company having applied to the Railroad Commission for an order under section 50 (*a*) of the Public Utilities Act declaring that public convenience and necessity require the construction and operation by Pacific Gas and Electric Company as lessee of an electric transmission line from Manteca, San Joaquin County, to Salinas, Monterey County, a public hearing having been held and the matter being duly submitted:

The Railroad Commission hereby certifies and declares that public convenience and necessity require the construction and operation by Pacific Gas and Electric Company, lessee, of a 104 kilovolt electric transmission line from Manteca to Salinas.

Dated at San Francisco, California, this thirteenth day of July, 1926.

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DECISION No. 17106.

IN THE MATTER OF THE APPLICATION OF PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, FOR PERMISSION TO AMEND AND CANCEL CERTAIN ROUTING PROVISIONS PUBLISHED IN ITEMS NOS. 60 AND 90, OF PACIFIC ELECTRIC RAILWAY COMPANY'S CIRCULAR F. D. No. 337-A, C. R. C. 268.

Application No. 12824.

Decided July 13, 1926.

TRANSPORTATION—ELECTRIC RAILWAY—FREIGHT ROUTES—TO CANCEL AND AMEND.—Pacific Electric Railway Company authorized to cancel routing of freight between San Pedro-Wilmington and Long Beach via Dominguez Junction and North Long Beach and via Dominguez Junction and East Long Beach and between Watts and points beyond and Long Beach via Dominguez Junction and North Long Beach and Dominguez Junction and East Long Beach, and to publish in lieu thereof carload commodity rates to and from Watson, as proposed by applicant.

Geo. F. Squires, for Applicant..
L. R. Guerra, for Pan American Petroleum Company, Protestant.

BY THE COMMISSION.

OPINION.

This is an application by the Pacific Electric Railway Company for permission, under section 63 of the Public Utilities Act, to cancel the following routings published in Pacific Electric Railway Company's Circular F. D. No. 337-A, C. R. C. No. 268:

Item No. 60—Between San Pedro-Wilmington and Long Beach via Dominguez Junction and North Long Beach and via Dominguez Junction and East Long Beach.

Item No. 90—Between Watts and points beyond and Long Beach via Dominguez Junction and North Long Beach and via Dominguez Junction and East Long Beach.

A public hearing was held at Los Angeles June 16, 1926, before Examiner Geary and the matter having been duly heard and submitted is now ready for an opinion and order.

In support of its application, Pacific Electric Railway Company alleges it is necessary to bring the routing provision into conformity with the present established switching limits of the city of Long Beach, as published in Pacific Electric Railway Company's Terminal Tariff No. 2-G, C. R. C. No. 77, and via the newly created route recently constructed over the so-called Daisy avenue line, placed in operation January 2, 1926, and which supplies a more direct and shorter route between the city of Long Beach and the stations of North Long Beach and East Long Beach, compared with the routings now provided in Items Nos. 60 and 90 of C. R. C. No. 268.

It is further alleged that it is impossible to route freight between San Pedro-Wilmington and Long Beach via Dominguez Junction and North Long Beach or via Dominguez Junction and East Long Beach

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because of the franchise restrictions of the city of Long Beach prohibiting the operation of freight trains over applicant's line of railway on American avenue in the city of Long Beach and other tracks located within the business and residential districts of the said city of Long Beach.

The routings to be canceled were established to meet the conditions previously existing by reason of the fact that applicant formerly published switching limits for the city of Long Beach extending to Anser street at the time when the operation of freight trains was permitted through the business and residential districts of the city of Long Beach via Broadway and Third street and over prior existing tracks on Ocean avenue in the city of Long Beach.

The only opposition to the granting of the application was presented by the Pan American Petroleum Company, which company owns and operates a refinery at Watson, a point located on applicant's line between Wilmington and Dominguez Junction. This company objected to the granting of the application for the reason that it would create increases in certain carload freight rates, because under the present routing provisions Watson is intermediate to Long Beach and East Long Beach on traffic moving between these points and Wilmington. It was agreed at the hearing that applicant would give consideration to the publication of certain freight rates to and from Watson which would satisfy protestant's requirements. This matter has now been consummated and the Commission furnished with a stipulation made a part hereof, wherein the applicant is to establish certain rates effective concurrently with the cancellation of the routing via Dominguez Junction and East Long Beach and Dominguez Junction and North Long Beach and the protestant has withdrawn its objections.

Upon consideration of all the facts of record, we are of the opinion and find that applicant should be permitted to cancel the routing between San Pedro-Wilmington and Long Beach via Dominguez Junction and North Long Beach and via Dominguez Junction and East Long Beach; also cancel routing between Watts and points beyond and Long Beach via Dominguez Junction and East Long Beach and via Dominguez Junction and North Long Beach as published in Items Nos. 60 and 90 of Pacific Electric Railway Company's Circular F. D. No. 337-A, C. R. C. 268, and publish in lieu thereof the carload commodity rates to and from Watson agreed to subsequent to date of hearing.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact, and the conclusions contained in the opinion, which is hereby referred to and made a part hereof;

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It is hereby ordered, that the application of Pacific Electric Railway Company be granted, and applicant is hereby authorized and directed to cancel the routing provisions published in Items Nos. 60 and 90 of Pacific Electric Railway Company's Circular F. D. No. 337-A, C. R. C. No. 268 between San Pedro-Wilmington and Long Beach via Dominguez Junction and North Long Beach and via Dominguez Junction and East Long Beach and routing between Watts and points beyond, and Long Beach via Dominguez Junction and North Long Beach, and Dominguez Junction and East Long Beach, and publish in lieu thereof certain carload commodity rates to and from Watson, as set forth in letter from the applicant dated June 28, 1926.

Dated at San Francisco, California, this thirteenth day of July, 1926.

DECISION No. 17108.

IN THE MATTER OF THE APPLICATION OF LAWRENCE WAREHOUSE COMPANY, A CORPORATION, TO ISSUE STOCK.

Application No. 12849.

Decided July 13, 1926.

SECURITIES—STOCK—TO ISSUE.—Lawrence Warehouse Company authorized to issue and sell at not less than 95 per cent of par value, and accrued dividends, $28,340 par value of preferred stock, and to issue $45,800 of common stock.

Sanborn and Roehl and DeLancey C. Smith, for Applicant.

BY THE COMMISSION.

OPINION.

In this proceeding, Lawrence Warehouse Company asks permission to issue $49,930 of its preferred stock and $53,380 of its common stock.

Lawrence Warehouse Company is engaged in the business of managing and operating warehouses and performing services incidental to storing and warehousing merchandise in San Francisco, Oakland and other points in the state. It was organized during July, 1913, and has an authorized capital stock of $200,000, consisting of 20,000 shares of the par value of $10 each and divided equally into common and 8 per cent cumulative preferred stock. Up to May 31, 1926, according to General Order No. 24 reports filed by applicant with the Commission, it had issued $104,710 of stock, consisting of $46,620 of the common and $58,090 of the preferred.

By Decision No. 9129, as amended from time to time, applicant was authorized to issue and sell, at not less than 95 per cent of par value, on or before December 31, 1926, $50,000 of its preferred stock for the purpose of providing working capital and paying outstanding notes. Under such authority applicant reports that up to May 31,

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1926, $36,430 of preferred stock has been issued, leaving a balance unissued of $13,570. The $13,570 of stock, which applicant, under the former order of the Commission, still in effect, may issue, added to the $58,090 of preferred stock outstanding, results in a total of $71,660. Deducting this amount from the authorized preferred stock of $100,000 leaves a balance of $28,340 of preferred stock, the issue of which has not been authorized by this Commission. Since applicant, under the authority granted by Decision No. 9129, may issue the $13,570 of stock on or before December 31, 1926, we believe that the order in this proceeding should be limited to the issue of $28,340 of preferred stock.

The company asks permission to sell the additional preferred stock herein applied for at not less than 95 per cent of par value, and to use the proceeds to provide working capital, it reporting that additional working capital is required by its rapidly growing business.

The volume of the company's business is indicated by its annual reports to the Commission which show revenues and expenses as follows:

Item	*1924*	*1925*
Operating revenues	$231,789 27	$263,052 92
Nonoperating revenues	16,675 31	42,296 58
Total revenues	$248,464 58	$305,349 50
Operating expenses	237,477 74	266,831 52
Gross corporate income	$10,986 84	$38,517 98
Less interest	$2,675 45	$3,729 87
Other deductions	799 62	2,202 66
Total deductions	$3,475 07	$5,932 53
Net corporate income for year	$7,511 77	$32,585 45

We believe the company should be authorized to issue and sell $28,340 additional preferred stock to provide working capital, subject to the conditions of this order.

Coming to the request of the company to issue common stock it appears that it is the intention of the company to deliver such stock to the present common stockholders as a stock dividend, the petition in this connection, reading as follows:

> Applicant also desires to issue to the present holders of its common stock, $53,380 of the common stock remaining in the treasury of applicant at its discretion, any time within one year, and the par value thereof to be charged to surplus.

The purposes for which the Commission is authorized to permit the issue, by a public utility, of its stock are defined and limited by the

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provisions of section 52 of the Public Utilities Act. That section reads in part as follows:

> A public utility may issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness of such public utility, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the Commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made.

It will be noted that the payment of dividends is not one of the purposes mentioned. So far as the issue of the common stock is concerned, it must be justified on the theory of reimbursing applicant for money, obtained from income, expended for one of the aforesaid purposes. While applicant reports a surplus, as of April 30, 1926, of $237,227.37, an analysis of applicant's surplus account shows that its earned surplus was $45,847.47. This surplus has been invested in applicant's properties and business. Because of such investment applicant should, if it complies with the order herein, be permitted to issue $45,800 of common stock to reimburse its treasury. After such reimbursement the stock may be used for such purposes as applicant's board of directors may determine.

Applicant reports its assets and liabilities as of April 30, 1926, as follows:

Assets.

Cash on hand and in banks (credit balance)	$399 35
Accounts receivable	106,229 07
Freight advanced for customers	4,919 74
Notes receivable	1,750 55
Stock—Bay Cities Transportation Company	27,727 73
Stock—Erickson Navigation Company	3,191 67
Stock—Other companies	2,798 00
Real estate	12,587 94
Warehouse equipment	22,834 44
Automobiles and trucks	56,469 58
Office furniture and fixtures	17,007 82
Miscellaneous equipment	22,071 86
Improvements to leased property	17,571 09
Leaseholds	152,100 00
Stock subscriptions receivable	5,602 50
Rent, insurance, taxes and other expenses paid in advance	18,931 38
Printing and supplies	4,300 13
Good will	50,000 00
Total	$525,694 15

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Liabilities.

Notes payable		$65,910 70
Advances from subsidiaries		11,028 16
Purchase contracts		17,597 42
Accounts payable		14,371 70
Payables not due		4,887 31
Real estate mortgages		2,000 00
Reserve for outward labor not yet performed but collected from customers		9,068 62
Reserves for depreciation, etc.		42,759 51
Deferred revenue		9,333 36
Subscriptions to preferred stock		7,500 00
Capital stock, preferred	$57,390 00	
Capital stock, common	46,620 00	
		104,010 00
Capital stock surplus	$191,379 90	
Earned surplus	45,847 47	
		237,227 37
Total		$525,694 15

Applicant's balance sheet is written up, in part, on a valuation rather than a cost basis, with the result, among others, that it shows a surplus of $237,227.37, whereas its earned surplus amounts to only $45,847.47, the remaining $191,379.90 representing the estimated increase in value of leaseholds and goodwill. While it is true that the balance sheet contains a segregation of the surplus account into an item designated capital stock surplus and an item designated earned surplus, the two amounts are consolidated into one total. We take exception to such consolidation and will require that the two items be kept separate.

ORDER.

Lawrence Warehouse Company having applied to the Railroad Commission for permission to issue $103,310 of stock, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that the money, property or labor to be procured or paid for by the issue of $74,140 of stock is reasonably required by applicant;

It is hereby ordered, that Lawrence Warehouse Company be and it is hereby authorized to issue and sell, at a net price of not less than 95 per cent of par value and accrued dividends, $28,340 par value of its preferred stock, and use said net proceeds for working capital, and to issue $45,800 of its common stock at par for the purpose of reimbursing its treasury on account of earnings invested in its properties and business, provided that the authority herein granted to issue said preferred stock will become effective upon the date hereof, but that the authority herein granted to issue common stock will not become effective until applicant has filed with the Commission, for approval,

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a stipulation duly authorized by its board of directors declaring that it will keep separate, and will never merge or consolidate its earned surplus with the surplus reported obtained from any other source, and that it will never declare or pay a dividend except against and out of earned surplus.

The authority herein granted is subject to further conditions as follows:

(1) Lawrence Warehouse Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(2) Under the authority herein granted no stock may be issued after December 31, 1926.

It is hereby further ordered, that the application in so far as it involves the issue of $29,170 of stock be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this thirteenth day of July, 1926.

DECISION No. 17109.

IN THE MATTER OF THE APPLICATION OF STOCKTON TERMINAL AND EASTERN RAILROAD, A CORPORATION, FOR A CERTIFICATE AUTHORIZING IT TO ISSUE CAPITAL STOCK.

Application No. 12952.

Decided July 13, 1926.

SECURITIES—STOCK—TO ISSUE.—Stockton terminal and Eastern Railroad authorized to issue $225,000 of capital stock, and application dismissed so far as it involves the issue of $75,000 of stock.

Wm. M. Abbott, for Applicant.

BY THE COMMISSION.

OPINION.

The Railroad Commission is asked to make an order authorizing the Stockton Terminal and Eastern Railroad to issue one share of capital stock to each of its three directors to qualify them as such directors and to issue 2997 shares ($299,700 par value) of its capital stock to Frank A Guernsey, George E. Catts and F. J. Dietrich, as members of the committee representing the depositors of the bonds of Stockton Terminal and Eastern Railroad Company in exchange for the property referred to in the written offer (Exhibit "B") of said Frank A. Guernsey, George E. Catts and F. J. Dietrich.

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The properties of Stockton Terminal and Eastern Railroad Company were sold at foreclosure sale on November 8, 1918 (Action No. 12524 in the office of the county clerk of the superior court of the county of San Joaquin, State of California). The properties of that company were purchased by a committee representing the holders of bonds who deposited their bonds with the committee. This committee has operated the properties since it acquired the same.

It has now offered to sell the properties to the Stockton Terminal and Eastern Railroad, a new corporation, on condition that such company assume to pay and/or discharge all present liabilities against the properties. In applicant's Exhibit No. 3 the liabilities as of May 31, 1926, are reported at $89,889.77 and cash on hand at $20,938.15 and accounts receivable at $1,648.73. A description of the properties is contained in Exhibit "B." It is of record that all the properties, except worn out equipment, acquired by the committee at foreclosure sale will be transferred to the new company.

From applicant's Exhibit No. 2 it appears that the line of railroad which applicant intends to acquire is a standard gauge steam-operated line extending from Stockton in a westerly direction to Bellota, California. On December 31, 1925, the mileage was as follows:

Main track	18.617
Yard tracks and sidings	2.601
Total	21.218

At Stockton the railroad has direct track and transfer connections for interchange of business with the Central California Traction Company, the Southern Pacific Company, The Western Pacific Railroad Company and with The Atchison, Topeka and Santa Fe Railway Company, by a bridge movement operated by The Western Pacific without charge to the Stockton Terminal and Eastern Railroad Company.

Originally the road was operated to serve both freight and passenger business. Following the receivership and sale of the properties the passenger business was discontinued and at this time the road is operated for freight only.

In applicant's Exhibit No. 2, a report prepared by Thompson and Butler, consulting engineers, the value of the properties as of December 31, 1925, is reported at $370,047 segregated as follows:

Value of land	$65,785 00
Cost of reproduction less depreciation	286,641 00
Other elements of value (5 per cent of above)	17,621 00
Total	$370.047 00

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The Interstate Commerce Commission in its tentative valuation, dated April 16, 1926, finds the value of the properties of Stockton Terminal and Eastern Railroad Company as of June 30, 1916, for rate making purposes to be $222,297. The $222,297 includes an allowance of $25,539.49 for land. The present value of land is reported in applicant's Exhibit No. 2 at $65,785. The Interstate Commerce Commission in its tentative valuation states that except as to land, it used the 1914 level of prices, though its valuation is as of June 30, 1916. The Commission states that in its final report it will use a price level as of June 30, 1916. H. G. Butler, consulting engineer, witness for applicant, testified that the 1916 price level is about twenty-five per cent higher that the 1914 price level. The Interstate Commerce Commission did not include in its tentative valuation $647.40 found to be the value of nonoperative property, nor the cost of additions and betterments from June 30, 1916, to December 30, 1926, which is reported at $16,820.

We do not believe that the capitalization of the properties should be based on prices prevailing on December 31, 1925, or on any other particular date. Capitalization should be based on the cost of the properties. It is of record, however, that the original cost of the properties is not available. We are of the opinion that a valuation of this property based on the 1914 price level plus the cost of additions and betterments, the increase in land values and the current assets afford a sounder basis for the issue of stock than a valuation as of today, based on present prices. The order herein will authorize applicant to issue $225,000 of stock.

ORDER.

Stockton Terminal and Eastern Railroad having applied to the Railroad Commission for permission to issue $300,000 of stock for the purposes stated in the foregoing opinion, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that applicant should be permitted to issue $225,000 of stock and that the application in so far as it involves the issue of $75,000 of stock should be dismissed, and that the money, property or labor to be procured or paid for through the issue of the $225,000 of stock is reasonably required by applicant, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided; therefore,

It is hereby ordered, as follows:

1. Stockton Terminal and Eastern Railroad may issue and shall sell for par three shares of its capital stock ($300 par value) to its

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directors to qualify them as directors, and shall use the proceeds for working capital.

2. Stockton Terminal and Eastern Railroad may issue on or before December 15, 1926, not exceeding 2247 shares (par value $224,700) of its stock to Frank A. Guernsey, George E. Catts and F. J. Dietrich as members of the committee representing the depositors of the bonds of Stockton Terminal and Eastern Railroad Company in exchange for the property referred to in Exhibit "B" filed in this proceeding, said applicant to agree to assume to pay and/or discharge all present liabilities against said properties.

3. This application in so far as it involves the issue of $75,000 of stock is hereby dismissed without prejudice.

4. Stockton Terminal and Eastern Railroad shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this thirteenth day of July, 1926.

DECISION No. 17110.

GUGGENHIME AND COMPANY

vs.

SOUTHERN PACIFIC COMPANY AND SACRAMENTO NORTHERN RAILROAD COMPANY.

Case No. 2167.

Decided July 13, 1926.

RATES—STEAM RAILROAD—DRIED FRUIT—REPARATION.—Defendant carriers directed to refund to complainant all charges collected in excess of 21½ cents per 100 pounds for transportation of nine carloads of dried fruit moving from Colusa to San Jose, during the period September 25, 1923, to October 17, 1923, inclusive.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, organized under the laws of the State of California, with its principal place of business at San Francisco, is engaged in the buying, packing and marketing of dried fruit.

By Complaint filed September 16, 1925, it is alleged that the rate assessed and collected on nine carloads of dried fruit, moved during the period September 25, 1923, to October 17, 1923, inclusive, from Colusa to San Jose, was unreasonable to the extent it exceeded a rate of 21½ cents per 100 pounds.

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Reparation only is sought. Rates will be stated in cents per 100 pounds.

Colusa is located on the Sacramento Northern Railroad Company, and San Jose on the Southern Pacific Company. Charges on the shipments here involved were assessed on the basis of the lawfully applicable rate of 28½ cents, made by combination of commodity rates over San Francisco. The factors of the through rate were 21½ cents to San Francisco, as published in Pacific Freight Tariff Bureau Tariff No. 34-I, C. R. C. No. 290, and 7 cents San Francisco to San Jose, as published in Southern Pacific Company's Tariff No. 121-F, C. R. C. No. 2818.

At the time the shipments here involved moved, there was concurrently in effect a rate of 21½ cents per 100 pounds from Colusa to San Francisco and effective May 17, 1924, defendants voluntarily established this same rate from Colusa to San Jose. Complainant bases its plea for reparation upon the lower rate subsequently established.

Defendants admit the allegation of the complaint and have signified a willingness to make reparation adjustment; therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the assailed rate was unreasonable to the extent that it exceeded the subsequently established rate of 21½ cents; that complainant made the shipments as described, paid and bore the charges thereon, and is entitled to reparation.

Complainant will submit statement to defendants for check. Should it not be possible to reach an agreement as to the amount of reparation, the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

ORDER.

This case being at issue upon complaint, and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Sacramento Northern Railroad Company and Southern Pacific Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, Guggenhime and Company of San Francisco, California, all charges they may have collected in excess of 21½ cents per 100 pounds for the transportation of nine carloads of dried

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fruit involved in this proceeding, forwarded during the period September 25, 1923, to October 17, 1923, inclusive, from Colusa to San Jose.

Dated at San Francisco, California, this thirteenth day of July, 1926.

DECISION No. 17111.

IN THE MATTER OF THE APPLICATION OF SANTA MONICA BAY TELEPHONE COMPANY FOR AUTHORITY TO ISSUE BONDS.

Application No. 10688.

Decided July 13, 1926.

SECURITIES—BONDS—TO ISSUE.—Santa Monica Bay Telephone Company authorized to sell or exchange not exceeding $117,000 of bonds, authorized in a previous order, the time limit on which has expired, but that the said bonds should be sold at not less than par plus accrued interest, instead of 94 per cent of face value, as heretofore authorized.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

Santa Monica Bay Telephone Company, by Decision No. 14410, dated December 27, 1924, was authorized to issue and sell, at not less than 94 per cent of face value, plus accrued interest, not exceeding $228,500 of its first and refunding mortgage 6 per cent bonds and to use $70,317.50 of the proceeds to reimburse Citizens National Company for moneys expended in acquiring $78,500 of 5 per cent bonds of Santa Monica Bay Home Telephone Company, and to use the remaining proceeds, or such portion thereof as may be necessary, to refund the remaining ($153,500) outstanding bonds of Santa Monica Bay Home Telephone Company, or for such other purposes as the Commission might authorize in subsequent orders.

The time within which aplicant may issue its bonds terminated on June 30, 1926. In a supplemental petition filed in the above entitled matter on July 1, 1926, the company reports that it has succeeded in retiring all but $117,000 face value of the bonds of Santa Monica Bay Home Telephone Company and that it has issued all but $134,000 of its own bonds that were authorized by Decision No. 14410. It now asks permission to exchange its bonds for the bonds of Santa Monica Bay Home Telephone Company at par for par and also for an extension of time within which to sell or exchange its bonds.

The Commission has given consideration to applicant's request and is of the opinion that it should be granted permission to sell or exchange not exceeding $117,000 of the bonds authorized by Decision No. 14410, but that the bonds should be sold at not less than par plus accrued interest, instead of 94; therefore,

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It is hereby ordered, that Santa Monica Bay Telephone Company be and it is hereby authorized to sell, on or before December 31, 1926, at not less than face value plus accrued interest, $117,000 of its 6 per cent bonds authorized by Decision No. 14410, dated December 27, 1924, and to use the proceeds to retire the underlying $117,000 of bonds of Santa Monica Bay Home Telephone Company, or to issue, on or before December 31, 1926, the $117,000 of its bonds, or any part thereof, in exchange for the bonds of Santa Monica Bay Home Telephone Company on a basis of par for par.

Dated at San Francisco, California, this thirteenth day of July, 1926.

DECISION No. 17115.

IN THE MATTER OF THE APPLICATION OF MIO M. MARSH, VIOLA V. YOCCO, IDA D. MILLER, EUGENE W. BELL, HELEN S. BELL, AND HELEN S. BELL AS GUARDIAN OF THE ESTATE OF CALISTA JANE BELL, A MINOR, DOING BUSINESS UNDER THE NAME OF "BELL ELECTRIC COMPANY," AND PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, AUTHORIZING THE FORMER TO SELL AND CONVEY, AND THE LATTER TO PURCHASE AND ACQUIRE, THE PROPERTIES REFERRED TO IN THE PETITION.

Application No. 12601.
Decided July 14, 1926.

TRANSFER—ELECTRIC UTILITY—TO SELL.—Mio M. Marsh, and others, authorized to sell the public utility property known as Bell Electric Company to Pacific Gas and Electric Company for the sum of $120,000, and the latter authorized to assume the public utility obligation of the acquired property.

Charles P. Cutten, for Pacific Gas and Electric Company.
T. A. Miller, for Bell Electric Company.

DECOTO, *Commissioner.*

OPINION.

The applicants in this proceeding pray for an order of the Railroad Commission authorizing Mio M. Marsh, Viola V. Yocco, Ida D. Miller, Eugene W. Bell, Helen S. Bell, and Helen S. Bell as guardian of the estate of Calista Jane Bell, a minor, to sell and convey, and Pacific Gas and Electric Company to acquire, for one hundred twenty thousand dollars ($120,000) the public utility property and business in and adjacent to the city of Auburn, conducted under the name of Bell

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Electric Company, and further authorizing the present owners to cease supplying electricity in the territory now served.

For several years the Bell Electric Company has been purchasing electricity wholesale from Pacific Gas and Electric Company, distributing electricity to retail consumers in the city of Auburn and adjacent unincorporated territory and conducting an electrical merchandising and wiring business. It is now proposed that Pacific Gas and Electric Company shall purchase the property used in the transmission and distribution of electricity but not in the merchandising business.

Pacific Gas and Electric Company operates a number of power houses and an extensive transmission and distribution system covering a large part of the state, including territory entirely surrounding that now served by the Bell Electric Company. At the public hearing on this application it was shown that Pacific Gas and Electric Company could handle the electrical distribution business more economically and efficiently than the present owners because of its larger organization and greater resources.

An inventory and appraisal of the property of the Bell Electric Company balance sheets, financial statements, etc., were introduced in evidence at the hearing. The inventory and appraisal has not been checked in detail by the Commission's staff and the price which has been mutually agreed upon appears to be a fair one for the purpose of this transaction.

In general, the rates now charged by Pacific Gas and Electric Company in adjoining towns and surrounding territory are lower than those of the Bell Electric Company. The general substitution of Pacific Gas and Electric Company rates for those now in effect in Auburn would, however, result in increases in the bills of certain individual consumers and it was generally agreed at the hearing on this application that the present rates of the Bell Electric Company should be continued until further study had been given to the changes that might be made. The order accompanying this opinion will, therefore, not provide for any change in the rates now effective on the system of the Bell Electric Company.

With these limitations it appears that the proposed transfer will be in the interest of the public and that it should be authorized.

I recommend the following form of order:

ORDER.

Mio M. Marsh, Viola V. Yocco, Ida D. Miller, Eugene W. Bell, Helen S. Bell, and Helen S. Bell as guardian of the estate of Calista Jane Bell, a minor, doing business under the name of "Bell Electric

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Company," and Pacific Gas and Electric Company having applied to the Railroad Commission for an order authorizing the former to sell and convey and the latter to purchase and acquire certain property, a public hearing having been held, the matter being submitted and now ready for decision;

It is hereby ordered, that

(1) Mio M. Marsh, Viola V. Yocco, Ida D. Miller, Eugene W. Bell, Helen S. Bell, and Helen S. Bell as guardian of the Estate of Calista Jane Bell, a minor, are authorized to sell and Pacific Gas and Electric Company to acquire the property used in the distribution of electricity in the city of Auburn and vicinity, which property is more particularly described in the agreement of sale, dated February 9, 1926, a copy of which is attached to the application in this proceeding and marked Exhibit "A," such transfer to be in accordance with the terms and conditions set forth in said copy of the agreement of sale.

(2) Mio M. Marsh, Viola V. Yocco, Ida D. Miller, Eugene W. Bell, Helen S. Bell, and Helen S. Bell as guardian of the estate of Calista Jane Bell, a minor, are authorized to discontinue the distribution of electricity in the territory now served, such authority to become effective with the transfer of the aforementioned property to Pacific Gas and Electric Company and the assumption by Pacific Gas and Electric Company of the obligation of supplying electricity as a public utility in said territory.

(3) The price at which said property is herein authorized to be transferred shall never be urged as a finding by the Railroad Commission of the value of said property for any purposes other than the transfer herein authorized.

(4) Within thirty (30) days after the transfer of title to the property, Pacific Gas and Electric Company shall file with the Railroad Commission a copy of the instrument by which such transfer is effected.

(5) The authority herein granted shall become effective twenty (20) days from the date of this order and shall apply only to such transfer as may be made before December 31, 1926.

(6) For all other purposes the effective date of this order shall be twenty (20) days after the date thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this fourteenth day of July, 1926.

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DECISION No. 17116.

IN THE MATTER OF THE INVESTIGATION BY THE COMMISSION ON ITS OWN MOTION INTO THE REASONABLENESS OF THE RATES OF THE HANFORD GAS AND POWER COMPANY.

Case No. 1807.

Decided July 14, 1926.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—Hanford Gas and Power Company directed to reduce gas rates 3 cents per 1000 cubic feet to conform with reduction in fuel oil of 10 cents per barrel effective July 1, 1926. Reduced rates effective on meter readings on and after August 1, 1926.

BY THE COMMISSION.

FOURTH SUPPLEMENTAL ORDER.

Whereas, in Decision No. 11096 (22 C. R. C. 394), in the above entitled matter, this Commission provided that such rates therein established would upon order of the Railroad Commission be subject to decrease on the basis of three cents per thousand cubic feet of gas for each 10-cent decrease in the cost of oil below the price of $1.50 per barrel f.o.b. Hanford; and

Whereas, Hanford Gas and Power Company now makes affidavit that on and after July 1, 1926, the price of oil was reduced to $1.15 per barrel, making the present price of oil 35 cents per barrel below the base price established in Decision No. 11096;

It is hereby ordered, that Hanford Gas and Power Company reduce its present rates effective for all meter readings taken on and after August 1, 1926, so that said rates shall be equal to 10 cents per thousand cubic feet less than the basic rates established in Decision No. 11096.

It is hereby further ordered, that Hanford Gas and Power Company file with this Commission on or before July 26, 1926, a revision of its rates as herein ordered.

Dated at San Francisco, California, this fourteenth day of July, 1926.

DECISION No. 17117.

IN THE MATTER OF THE APPLICATION OF RIVER BEND GAS AND WATER COMPANY TO MAINTAIN PRESENT SCHEDULE OF GAS RATES.

Application No. 11797.

Decided July 14, 1926.

RATES—GAS UTILITY—AUTOMATIC ADJUSTMENT.—River Bend Gas and Water Company directed to reduce gas rates two cents per thousand cubic feet to conform with reduction in price of fuel oil of four cents per barrel, July 1, 1926.

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BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Whereas, this Commission in its Decision No. 15556 dated October 21, 1925, and Decision No. 15848 dated January 14, 1926, in the above matter, modified its Decision No. 11095 dated October 9, 1922, in Case No. 1806, so as to provide with reference to schedules "A" and "B" of River Bend Gas and Water Company that such rates with the exception of the first 400 cubic feet in Schedule "A" shall be subject to increase or decrease, upon approval of the Commission on the basis of 3 cents per thousand cubic feet of gas for each 10-cent increase or decrease in the price of oil above or below the price of $1.65 per barrel f.o.b. Dinuba; provided further that no increase in such rates shall be made after the cost of oil to applicant exceeds $2.15 per barrel f.o.b. Dinuba; and

Whereas, River Bend Gas and Water Company now makes affidavit that on and after July 1, 1926, the price of oil was reduced to $1.26 per barrel, making the present price of oil 39 cents per barrel below the base price established in Decision No. 11095;

It is hereby ordered, that River Bend Gas and Water Company reduce its rates designated as schedules "A" and "B" effective for all regular meter readings taken on and after August 1, 1926, so that said rates, with the exception of the first 400 cubic feet in Schedule "A" shall be 12 cents per thousand cubic feet less than the basic rates established in Decision No. 11095.

It is hereby further ordered, that River Bend Gas and Water Company file with the Commission on or before July 26, 1926, a revision of its schedules to comply with this order.

Dated at San Francisco, California, this fourteenth day of July, 1926.

DECISION No. 17118.

IN THE MATTER OF THE APPLICATION OF NEVADA, CALIFORNIA AND OREGON TELEGRAPH AND TELEPHONE COMPANY FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT AN EXTENSION TO ITS EXISTING TELEPHONE AND TELEGRAPH LINES ALONG THE STATE HIGHWAY BETWEEN CHESTER, PLUMAS COUNTY, AND RED BLUFF, TEHAMA COUNTY, CALIFORNIA, VIA MINERAL AND PAYNE'S CREEK, TEHAMA COUNTY, CALIFORNIA, AND TO OPERATE SAID EXTENSION FOR THE TRANSACTION OF BOTH INTERSTATE AND INTRASTATE TELEPHONE AND TELEGRAPH BUSINESS IN CONJUNCTION WITH APPLICANT'S SYSTEM GENERALLY, AND TO SERVE THE COMMUNITIES ALONG, AND THE TERRITORY GENERALLY ADJACENT TO, SAID HIGHWAY.

Application No. 12721.

Decided July 17, 1926.

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CERTIFICATE—TELEPHONE UTILITY—TO EXTEND.—Nevada, California and Oregon Telegraph and Telephone Company granted certificate to extend its existing lines between Chester, Plumas County, and Red Bluff, Tehama County, via Mineral and Payne's Creek, Tehama County. Rates established.

Albert A. Rosenshine, for Applicant.

James G. Marshall, for Sacramento Valley Telephone Company and The Pacific Telephone and Telegraph Company.

R. L. Swanson, for the R. L. Swanson Telephone System, Protestant.

WHITSELL, *Commissioner*.

OPINION.

Nevada, California and Oregon Telegraph and Telephone Company, applicant herein, is a corporation organized under the laws of the state of Nevada conducting a general telephone and telegraph business in portions of the State of California and other states. In this proceeding the applicant is seeking a certificate of public convenience and necessity authorizing it to construct and operate as a part of its system as a public utility a toll telephone and telegraph line to extend from Chester, Plumas County, to Red Bluff, Tehama County. Applicant intends to connect the proposed line to its existing toll telephone and telegraph lines at Chester and to the lines of The Pacific Telephone and Telegraph Company at Red Bluff, for the purpose of a general interchange of toll telephone and telegraph business between points on the lines of the latter company and points on the lines of applicant.

A public hearing was held in this matter at Red Bluff on June 4, 1926.

The application sets forth in effect that the travel along the route of the state highway between Red Bluff, Tehama County, and Susanville, Lassen County, is steadily increasing and that telephone and telegraph facilities along such route are highly desirable; that the territory traversed by the above mentioned highway is not now served by any telephone or telegraph public utility except at Payne's Creek and that portion lying between Payne's Creek and Red Bluff; and that the constructing and operation of the proposed line would provide telephone and telegraph service over a direct route between points on applicant's system in Lassen and Plumas counties and points in the Sacramento Valley at a lower charge to users than is now effective for service by way of a more circuitous route through Reno, Nevada. Testimony of witnesses presented by applicant at the hearing purported to substantiate statements as made in its application.

R. L. Swanson, representing the R. L. Swanson Telephone System, protests the granting of a certificate of public convenience and neces-

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sity to applicant, in so far as the establishment of toll telephone stations by applicant at Payne's Creek and Mineral is concerned, on the grounds that the Swanson System has, for over twenty years, been providing telephone service in Payne's Creek and vicinity. Mr. Swanson's testimony further indicates that, although the lines of his system extend at present but a short distance east of Payne's Creek, he is ready and willing to extend his lines to Mineral to provide facilities sufficient to supply service which may be demanded at that point.

Protestant has heretofore filed with the Railroad Commission its rates for toll service between Red Bluff and Payne's Creek and Red Bluff and certain other points not involved in this proceeding, thus making his status that of a public utility, furnishing a toll service over a portion of the route along which applicant has requested permission to construct and operate a toll telephone line. The Swanson system has not furnished and does not now furnish service at Mineral.

Sacramento Valley Telephone Company through counsel claims that the revenue derived from the portion of its system located east of Red Bluff including toll line from Red Bluff to Payne's Creek and Manton is not sufficient to justify its continuance in business in this territory already served by another telephone utility and that it desires to withdraw service from this location.

I believe that the record herein clearly demonstrates that public convenience and necessity require the construction by applicant of a toll telephone and telegraph line from Red Bluff to Chester for the purpose of transmitting messages between points in the Sacramento Valley and points on its existing system, and applicant should apply for service over this line, rates based upon those rates now in effect on its system for similar service under similar conditions. Authorizing these rates does not, however, mean that I think the rates are reasonable. Further, it does not appear that public telephone stations should be opened at points on this line that are already provided with service by a public telephone utility. At the present time service is provided at Payne's Creek by R. L. Swanson Telephone System. The Swanson system, however, has made no effort to provide service at Mineral although the record shows that it has had ample opportunity to do so and should not urge a superior right to serve a territory which it has not already entered. For that reason I believe applicant should provide a toll telephone station for the use of the public at Mineral.

I herewith submit the following form of order:

ORDER.

Nevada, California and Oregon Telegraph and Telephone Company having requested the Railroad Commission for an order granting it a

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certificate of public convenience and necessity authorizing it to construct an extension to its existing telephone and telegraph lines along the state highway between Chester, Plumas County, and Red Bluff, Tehama County, California, via Mineral and Payne's Creek, Tehama County, California, a public hearing having been held in this proceeding, the matter being submitted and now ready for decision:

The Railroad Commission hereby declares that public convenience and necessity require the construction and operation of a toll telephone and telegraph line between Chester, Plumas County, and Red Bluff, Tehama County, California; and

It is hereby ordered, that a certificate of public convenience and necessity be and it is hereby granted to Nevada, California and Oregon Telegraph and Telephone Company authorizing the construction and operation by it as a public utility of a toll telephone and telegraph line between Chester, Plumas County, and Red Bluff, Tehama County, for the transmission of intelligence to and from Chester and points on its existing lines east of Chester and Red Bluff.

It is hereby further ordered, that Nevada, California and Oregon Telegraph and Telephone Company shall charge and collect rates for toll telephone and telegraph service between Red Bluff and Chester which shall be based on its toll telephone and telegraph rate structure at present in use on its system and shall be equal to rates for similar service under similar conditions elsewhere on its lines, after showing to this Commission that it has completed construction necessary to render toll telephone and telegraph service between Red Bluff and Chester and upon issuance of a supplemental order by this Commission.

It is hereby further ordered, that Nevada, California and Oregon Telegraph and Telephone Company be and it is hereby authorized to establish and maintain physical connections for the interchange of toll telephone and telegraph business at Red Bluff, Tehama County, with the lines of The Pacific Telephone and Telegraph Company under connecting contracts entered into by Nevada, California and Oregon Telegraph and Telephone Company and The Pacific Telephone and Telegraph Company to be submitted to the Railroad Commission for approval.

It is hereby further ordered, that Nevada, California and Oregon Telegraph and Telephone Company be and it is hereby authorized to establish and place in operation a toll telephone and telegraph station at Mineral, Tehama County, California, and to publish, file and place in effect rates for service rendered to and from such station as hereinbefore set forth, effective as of such date as may be fixed by supplemental order herein.

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The authority herein contained is granted subject to the following conditions and not otherwise:

(1) Nothing herein shall be construed as authorizing the establishment of any toll station, telephone exchange, telegraph station or the connection for public use of any telephone or telegraph instrument to the toll telephone and telegraph line between Red Bluff and Chester other than the terminal station in Red Bluff and the station at Mineral.

(2) The construction work necessary for the purpose of furnishing toll telephone and telegraph service between Red Bluff and Chester by means of the line considered in this proceeding shall be commenced on or before August 1, 1926, and shall be completed on or before February 1, 1927.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this seventeenth day of July 1926.

DECISION No. 17122.

IN THE MATTER OF THE APPLICATION OF SANTA PAULA HOME TELEPHONE COMPANY, A CORPORATION, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 13016.
Decided July 17, 1926.

RATES—TELEPHONE UTILITY—TOLL CHARGES.—Santa Paula Home Telephone Company authorized to establish toll charge of five cents per call for local messages from public pay stations effective August 1, 1926.

RULES AND REGULATIONS—SERVICE CHARGES—MOVES AND CHANGES.—Utility authorized to establish Commission's standard rules and regulations, and service charge of $3 for moves and changes of equipment.

BY THE COMMISSION.

ORDER.

Whereas, Santa Paula Home Telephone Company having filed an application with this Commission requesting authority to file and make effective a charge of 5 cents for each local message made from established public pay stations and to file and place in effect certain rules and regulations relative to charges for moves and changes; and

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Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Santa Paula Home Telephone Company and to the public; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations and it appearing that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Santa Paula Home Telephone Company be and it is hereby authorized to charge and collect the sum of 5 cents for each local message made from public pay stations on and after August 1, 1926.

It is hereby further ordered, that Santa Paula Home Telephone Company be and it is hereby authorized to file with this Commission, effective as of August 1, 1926, the following rules and regulations:

1. *Moves and Changes:*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone Sets.

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

C. Other Equipment and Wiring.

Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

E. Change in Class of Service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in Section 1 above, and as may be approved by this Commission.

Provided said rates and rules and regulations be submitted for filing with this Commission on or before July 30, 1926.

Dated at San Francisco, California, this seventeenth day of July, 1926.

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DECISION No. 17123.

IN THE MATTER OF THE APPLICATION OF O. F. GOODRICH, DOING BUSINESS UNDER THE FICTITIOUS NAME AND STYLE OF ANTELOPE VALLEY TELEPHONE COMPANY, FOR AN ORDER AUTHORIZING A REVISION OF CHARGES FOR TOLL SERVICE.

Application No. 13017.
Decided July 17, 1926.

RATES—TELEPHONE UTILITY—TOLL CHARGES.—Applicable to station-to-station, person-to-person, appointment, and messenger service between toll stations or exchanges established.

BY THE COMMISSION.

ORDER.

Whereas, O. F. Goodrich, doing business under the fictitious name and style of Antelope Valley Telephone Company, having filed an application requesting authority to make certain revisions in his toll rate schedules for the purpose of eliminating existing irregularities in charges for toll service; and

Whereas, the establishing of toll rates which applicant asks authority to charge and collect will result in avoiding confusion and will be in the interest of the subscribers of O. F. Goodrich and of the public generally; and

Whereas, there appearing no good reason why applicant should not now file and place in effect certain rates for toll telephone service as set forth in his application and it appearing that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that O. F. Goodrich be and he is hereby authorized to charge and collect the rates for toll telephone service set forth in Exhibit No. 1 attached hereto effective for service rendered on and after September 1, 1926.

Provided that said rates be submitted for filing with this Commission on or before August 31, 1926.

Dated at San Francisco, California, this seventeenth day of July, 1926.

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EXHIBIT No. 1.

Toll Service—Schedule B-1.

General Service.

Applicable to station-to-station, person-to-person, and appointment and messenger toll service charges between any two toll stations or exchanges.

Rate.

(1) Station-to-station service.

(a) The following initial period rates are applicable to station-to-station toll messages where the distance between exchanges or toll points does not exceed twenty-four miles by direct air-line measurement.

For distances more than	But not more than	Initial rate
0 mile	12 miles	$0 10
12 miles	18 miles	15
18 miles	24 miles	20

(b) Initial period and overtime period.

Where initial rate is	Initial period is	Overtime period is
$0 10	5 minutes	3 minutes
15	5 minutes	2 minutes
20	5 minutes	2 minutes

(c) Overtime rate.

Where initial rate is $0 10	The overtime rate is $0 05
Where initial rate is 15	The overtime rate is 05
Where initial rate is 20	The overtime rate is 05

(2) Person-to-person, appointment and messenger rate and report charge.

Rate for initial period of three minutes or less.

Station-to-station rate	Corresponding completed person-to-person rate	Corresponding completed appointment and messenger rate	Corresponding report charge
$0 10	$0 15	$0 20	$0 05
15	20	25	10
20	25	30	10

Rates for periods in excess of the initial three minute period.

Where the initial rate is	The overtime period is	The overtime rate is
$0 15	1 minute	$0 05
20	1 minute	05
25	1 minute	05
30	1 minute	10

(3) Night rates—Station-to-station night rates are the same as the station-to-station day rates.

(4) Rates to points on other companies' lines.

The rates for any of the classes of toll service specified herein between toll points on the line of Antelope Valley Telephone Company and toll points on the lines of The Pacific Telephone and Telegraph Company and connecting companies are the through rates quoted by The Pacific Telephone and Telegraph Company.

(5) Minimum charge per toll station for service under Rates (1), (2), (3) and/or (4) above, per month—$5.00.

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DECISION No. 17135.

C. SWANSTON AND SONS

vs.

SOUTHERN PACIFIC COMPANY.

Case No. 2251.

Decided July 19, 1926.

RATES—STEAM RAILROAD—CATTLE—REPARATION.—Southern Pacific Company directed to refund to complainant all charges collected in excess of $47.50 per car for transportation of nineteen carloads of cattle, Merced to Swanston, August 11 and November 23, 1923.

BY THE COMMISSION.

OPINION.

Complainant, a corporation organized under the laws of the State of California, with its principal place of business at Sacramento, California, is engaged in the business of buying and slaughtering beef cattle.

By complaint filed June 19, 1926, it is alleged that the rate assessed and collected on nineteen carloads of cattle moved August 11 and November 23, 1923, from Merced to Swanston was unreasonable to the extent it exceeded a rate of $47.50 per 36-foot car.

Reparation only is sought. Rates will be stated in dollars and cents per standard 36-foot car.

Merced is located on the San Joaquin Valley Division of the Southern Pacific Company, 115 miles south of Sacramento and 137 miles southeast of Stock Yards. Swanston is located 4.7 miles east of Sacramento. Charges on the shipments here involved were assessed on the basis of $51.50 per car, published in Southern Pacific Company Tariff 645-C, C. R. C. No. 2556. This rate is named from Merced to Sacramento and under the provisions of Rule 20 of the tariff the Sacramento rate is made applicable on shipments destined to Swanston.

At the time the shipments involved in this complaint moved there was in effect a rate of $47.50 per car from Merced to Stock Yards, published in Southern Pacific Company Tariff 645-C, C. R. C. 2556. Rule 105 of said tariff provided that the rate named to Stock Yards would also apply on shipments destined to Benicia, Washington and points between. Washington is located .5 of a mile west of Sacramento and shipments moving from Merced to Washington would pass through Sacramento, but due to the fact that the tariff named a specific rate to Sacramento, which also applied at Swanston, the Stock Yards rate could not be assessed on the shipments involved, therefore the higher

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charges assessed were in violation of the long and short haul rule of section 24 of the Public Utilities Act. Effective September 13, 1924, this violation was removed by defendant publishing Rule 105-A canceling Rule 105 and eliminating the application of the Stock Yards rate at Benicia, Washington and points between.

Complainant bases its plea for reparation upon the rate effective at time of movement from Merced to Washington.

Defendant admits the allegation of the complaint and has signified a willingness to make reparation adjustment, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the assailed rate was unreasonable to the extent it exceeded a rate of $47.50 per car; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation. Complainant will submit statement to defendant for check; should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention and the entry of a supplemental order, should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the defendant, Southern Pacific Company, be and it is hereby authorized and directed to refund to complainant, C. Swanston & Sons of Sacramento, all charges it may have collected in excess of $47.50 per standard 36-foot car for the transportation of nineteen carloads of cattle involved in this proceeding, forwarded August 11 and November 23, 1923, from Merced to Swanston.

Dated at San Francisco, California, this nineteenth day of July, 1926.

DECISION No. 17139.

IN THE MATTER OF THE APPLICATION OF INTERSTATE TELEGRAPH COMPANY, A CORPORATION, FOR AN ORDER APPROVING AND MAKING EFFECTIVE CERTAIN CHARGES AND AUTHORIZING THE FILING OF SCHEDULE SHEETS COVERING THE SAME.

Application No. 12915.
Decided July 20, 1926.

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RATES—TELEPHONE UTILITY—TOLL CHARGES—MOVES AND CHANGES.—Interstate Telegraph Company authorized to establish toll charge of five cents for each local message from public telephone stations throughout its territory. Commission's standard rules and regulations, and charges for moves and changes also established.

BY THE COMMISSION.

ORDER.

Whereas, Interstate Telegraph Company having filed an application with this Commission requesting authority to file and place in effect certain rules and regulations relative to charges for moves and changes of telephone apparatus and to establish rates and charges for supplemental equipment service and to establish a rate of 5 cents for each local message made from public telephone stations throughout the territory served by it; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854) dated April 24, 1924, and there appearing no good reason why applicant should not now file and place in effect similar rules and regulations; and

Whereas, the rates and charges as requested by applicant for the furnishing of supplemental equipment appear not to be unreasonable; and

Whereas, the rendering of public pay station service will be in the interest of the subscribers of the Interstate Telegraph Company and to the public; and

Whereas, it appears that applicant's requests are reasonable and that this is a matter in which a public hearing is not necessary;

It is hereby ordered, that Interstate Telegraph Company be and it is hereby authorized to file with this Commission, effective as of August 1, 1926, the following rule and regulation:

Moves and Changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.
1. Moving from one location to another $3 00
2. Change in type or style 3 00

B. Private branch exchange and intercommunicating systems.
1. Moving from one location to another:

	Same room	One room to another
(a) Intercommunicating systems, per station	$5 00	$7 50
(b) P.B.X. systems, cord and cordless, per station	3 00	3 00
(c) P.B.X. switchboards, per position		
Cordless	5 00	10 00
30-line	5 00	10 00
80-line	7 50	15 00
160-line	10 00	25 00
320-line	17 50	40 00
Over 320-line	Actual cost	

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C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring, other than that included under A and B above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company, and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

It is hereby further ordered, that Interstate Telegraph Company be and it is hereby authorized to charge and collect the following rates and charges effective for service furnished on and after August 1, 1926:

(1) Supplemental equipment service:

Bishop, Big Pine, Independence, Lone Pine, Keeler and Bishop Creek, Inyo County; Barstow and Victorville, San Bernardino County; Randsburg, Kern County.

Applicable to supplemental equipment service at all exchanges on the company's system as listed above.

Rate: Class of Service	Installation charge	Rental per month
Small extension bell	$2 00	$0 35
Small extension bell with switch	2 00	50
Large extension bell	2 00	65
Large extension bell with switch	2 00	80
Cam-lever switch	2 00	25
Operator's head receiver and band with 6 ft. cord when used in connection with a subscriber's desk set	1 50	25
Jacks for connecting a desk set at different locations in residences or places of business. One connecting plug to be supplied for the desk set.		Rental per year
Two jacks	5 00	$1 50
Three jacks	6 00	1 50
Four jacks	7 00	1 75
Five jacks	8 00	2 00
Six jacks	9 00	2 25
Seven jacks	10 00	2 50
Eight jacks	12 00	2 75
Each additional jack	3 00	25

Conditions:

Extension bell service not to be allowed on suburban lines.

Installation charges given above for jacks apply only when installation is made while the building is in course of construction. When installation in completed building is applied for, the cost of installation will be quoted after the building has been inspected and an estimate of the cost is made.

(2) Public pay station service.

Applicable to all exchanges on company's system as listed below:

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List of Exchanges.

Bishop, Inyo County.	Independence, Inyo County.
Bishop Creek, Inyo County.	Keeler, Inyo County.
Big Pine, Inyo County.	Lone Pine, Inyo County.
Barstow, San Bernardino County.	Randsburg, Kern County.

Victorville, San Bernardino County.

Service from company's nonlisted public telephone station.

Rate:

Class of Service	Rate per call
Each call terminating at a subscriber's telephone on the same exchange as the calling telephone	5c

Conditions:

This rate applies at telephones for which no monthly rental is charged but which are installed in public places by the company chiefly for long distance use by non-subscribers, transients, etc.

Public telephones will be installed by the company at its discretion, in public locations, to meet the general and transient telephone requirements.

Provided said rules and regulations and rates be filed with this Commission on or before July 31, 1926.

Dated at San Francisco, California, this twentieth day of July, 1926.

DECISION No. 17175.

IN THE MATTER OF THE REVISION OF TARIFF ITEMS COVERING THE APPLICATION OF JOINT RATES FROM AND TO THE INDUSTRY TRACKS WITHIN THE SWITCHING LIMITS AT THE JUNCTION POINT THROUGH WHICH THE TRAFFIC IS INTERCHANGED, AS SET FORTH IN TARIFFS ISSUED BY F. W. GOMPH, AGENT IN THE NAME OF AND ON BEHALF OF CARRIERS, ALSO IN THE TARIFFS OF INDIVIDUAL CARRIERS UNDER THE JURISDICTION OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Case No. 2176.

Decided July 31, 1926.

RATES—STEAM RAILROAD—SWITCHING—INDUSTRY TRACKS.—Proposed tariff item ordered suspended.

E. W. Camp, J. E. Lyons, E. E. Bennett, James S. Moore, Jr., and *J. P. Quigley*, for the Carriers.

Sanborn and Rochl and DeLancey C. Smith, by *H. H. Sanborn* and *N. E. Keller*, for Pacific Portland Cement Company, Cons.

A. Larsson, for Larsson Traffic Service.

E. W. Hollingsworth, for Oakland Chamber of Commerce.

Seth Mann and *S. A. Everstine*, by *S. A. Everstine*, for San Francisco Chamber of Commerce.

C. S. Connolly, for Albers Brothers Milling Company.

R. P. McCarthy, for Globe Grain and Milling Company.

B. H. Carmichael and *F. W. Turcotte*, for General Petroleum Corporation, Hercules Gasoline Company and Agricultural Chemical Works.

McCutchen, Olney, Mannon and Greene, by *John C. Moran*, for Canners League of California, Dried Fruit Association of California, and California Packing Corporation.

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BY THE COMMISSION.

OPINION.

This case involves the propriety of the publication of Note 2 to Item 10 and Note 4 to Item 20 in Pacific Freight Tariff Bureau Tariff 30-H, C. R. C. No. 366, and the similar proposed amendments in other tariffs defining the application of joint freight rates from and to the intermediate junction points. By tariffs filed to become effective on or about October 10, 1925, respondent carriers endeavored to amend the items under suspension by the addition of the notes referred to above, as follows:

> Note 2. The joint through rates named herein will not apply from any point within the switching limits of the junction point at which the traffic is interchanged by the carriers, parties to such joint through rates.
>
> Note 4. The joint through rates named herein will not apply to any point within the switching limits of the junction point at which the traffic is interchanged by the carriers, parties to such joint through rates.

These amendments are shown as resulting in neither increases nor reductions.

Protests were received from many chambers of commerce, trade associations, shippers and receivers of freight alleging the proposed amendments would result in unauthorized increases in the freight charges and also that they were in violation of section 21, article XII of the state constitution and section 24(*a*) of the Public Utilities Act.

Our orders have suspended, until August 7, 1926, the effective date of the amended items.

A public hearing was held before Examiner Geary at San Francisco January 25, 1926, and the case having been duly submitted and the briefs filed, is now ready for our opinion and order.

Rates are stated in cents per 100 pounds unless otherwise specifically noted.

Prior to the addition of the suspended notes 2 and 4, items 10 and 20 provided:

> Item 10—
>
> Except as otherwise specifically provided in connection with individual rates, rates named in this tariff will, in the absence of specific class rates, apply *from* directly intermediate points on the same line. (See Note.)
>
> Note.—The term "line," as used in this application, means the individual company on whose line the point having a specific rate is located, and such rate must not be used to determine a rate from a point on any other line.
>
> Item 20—
>
> Except as otherwise specifically provided in connection with individual rates, rates named in this tariff will, in the absence of specific class rates, apply to directly intermediate points on the same line. (See Note.)
>
> Note.—The term "line," as used in this application, means the individual company on whose line the point having a specific rate is located, and such rate must not be used to determine a rate to a point on any other line.

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Items 10 and 20 are typical of all items under suspension and for the purpose of brevity will be hereinafter collectively referred to as Item 20.

These items, it is claimed by respondents, are subject to Item No. 420, Rule No. 265, of Bureau Tariff No. 30-H, and to the similar rules of individual carriers. The rule reads:

> Except as otherwise specifically provided herein shipments made at rates named herein are subject to the terminal and other charges, privileges and allowances provided by tariffs of individual lines parties to this tariff, and lawfully on file with the Interstate Commerce Commission and State Railroad Commissions.

The rule in Terminal Tariffs, relied upon (Western Pacific Railroad Company Tariff 35-J, C. R. C. 245, Item 77-A), reads:

> Except as may be otherwise specifically provided in this tariff, when this company receives the line haul, the carload rates applicable to or from points on the Western Pacific Railroad Company's lines as published in the Western Pacific Railroad Company's tariffs, or in tariffs in which the Western Pacific Railroad Company is shown as a participating carrier, and lawfully on file with the Interstate Commerce Commission or state commissions, apply to or from the depots of the Western Pacific Railroad Company, to or from all industry tracks or wharves served by its rails and within its switching limits; also to or from interchange tracks with connecting lines at points of interchange, as shown in section E hereof, but do not include cost of transfer from standard gauge cars to narrow gauge cars, nor from narrow gauge cars to standard gauge cars at points of interchange.

It is the contention of respondents that the changes proposed are merely in the interest of tariff clarification and that the original items and the terminal rules when read together prohibit the use of the joint rates at the intermediate junction points where the traffic is interchanged. They do not, however, contend that if Item 20 were read by itself that the joint rates would be inapplicable as maximum at the interchange points. In reaching this conclusion they ignore the plain language of Item 20.

Protestants take the position that Rule No. 265 is not applicable at all to joint rates and can only be employed in assessing switching charge when the line hauls originate or terminate at the point where the switching services are performed.

Obviously in the absence of a joint rate from points on the individual lines the switching charge of the nonline haul carrier would apply, but in the instant situation respondents, by the publication of joint rates, hold themselves out to deliver shipments to or from all points on the line of the individual company. Item 20 is specific and the definition of the term "line" includes the interchange point.

The terminal rules are not published in the rate section of the tariff; they are general in application, as evidenced by the proviso: "Except

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as otherwise specifically provided herein," and manifestly were never intended nor can they be construed as placing in effect provisions nullifying the specific provisions of the line haul tariff.

The proposed amendments would, without doubt, positively remove the application of the joint rates at the intermediate junction points.

The present tariff provisions, in so far as they affect the charges at the junction points, can best be illustrated by considering a few of the situations referred to by the protestants.

Cement is a station located on the Cement, Tolenas and Tidewater Railroad approximately 38 miles west of Sacramento and the rate on cement from that station to Sacramento via the Tidewater Railroad and Southern Pacific is 8 cents. There is concurrently in effect a joint rate of 8 cents from Cement to Stockton, 44.8 miles south of Sacramento, or a total distance of 82.8 miles applicable via the Tidewater Railroad—Southern Pacific through Sacramento, thence Western Pacific Railroad. The record indicates that on shipments from Cement to Sacramento for delivery to an industry track on the Western Pacific respondents assess and collect the line haul rate of 8 cents plus $2.70 per car switching charge. On shipments moving from Cement to Stockton hauled by the Western Pacific from Sacramento to Stockton and switched to an industry track on the Western Pacific at that point, only the line haul rate of 8 cents is charged. Thus to Sacramento for Western Pacific delivery the per car charge would be $2.70 more than applicable on a shipment of equal weight destined to Stockton for Western Pacific delivery. In other words, to Sacramento where the Western Pacific may perform only a terminal switching service of a few thousand feet the charge per car of equal weight is $2.70 more than to Stockton where the Western Pacific renders a line haul service of 44.8 miles and the terminal switching service.

Both respondents and protestants agree that with the exception of the interchange point of Sacramento the joint rate of 8 cents applies under the provisions of Item 20 to all points on the Western Pacific Railroad intermediate between Sacramento and Stockton and on shipments destined to such points the joint rate includes the switching to industry tracks.

Another illustration: In southern California the fuel oil freight charges from refineries located within the Santa Fe switching limits at Los Angeles to destinations on the Southern Pacific are greater than when the Santa Fe performs the line haul service. El Segundo is on the Santa Fe 17 miles southwest of Los Angeles, Narod is on the Southern Pacific 36 miles northeast of Los Angeles and the joint rate El Segundo to Narod is 7 cents. The local rate from Los Angeles to Narod is also 7 cents, but if a shipment destined to Narod originates on the

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rails of the Santa Fe within the Los Angeles switching limits a per car switching charge of $2.70 is assessed, notwithstanding the fact that the traffic from El Segundo moving under the joint rate passes the very doors of the Los Angeles shipper in reaching the Southern Pacific interchange tracks.

The same adjustments exist from Los Angeles Harbor stations, San Pedro-Wilmington, where the joint rates from the more distant harbor points are the same as the local rates from Los Angeles; however, from points within the Los Angeles switching limits a $2.70 per car switching charge is assessed from the industry track to the interchange track of the line haul carrier.

Respondents maintain that such a situation as a movement from Cement to an industry on the Western Pacific at Sacramento constitutes two separate and distinct transactions, the line haul to the interchange point of the Southern Pacific-Western Pacific and the switching movement to the industry; that the latter is in the nature of a special privilege accorded shippers to obviate the necessity of private drayage and should not be considered a part of the line haul; that the fact of the two intermediate rates applying on separate local movements exceed the published through rate to a point beyond is not in violation of section 24(*a*) of the act inasmuch as the line haul rate is the same from Cement to Sacramento as it is from Cement to Stockton.

The position taken by respondents is not tenable. The shipment from Cement to Sacramento is destined to an industry track on the Western Pacific and until it reaches its ultimate destination the transportation service is not completed, nor can the physical movements be segregated and considered separately. There is but one continuous haul involved and any rate, whether line haul or switching, lawfully applicable to the shipment constitutes a part of the total through charge. The Interstate Commerce Commission, in *Associated Jobbers of Los Angeles* vs. *The Atchison, Topeka and Santa Fe Railway Company et al.*, 18 I. C. C. 310–317, said:

> * * * It is not to be overlooked that the delivery given on an industry spur is not supplemental to any other delivery. Cars destined to industry spurs are not placed first at a spur, depot, or on the team tracks, or at the sheds, and later switched to oblige the consignee. A train of freight cars goes to the breaking-up yards which lie at the entrance to the city, and there it is divided up with respect to the character of the freight in the various cars and their destination. No one has access to the cars at this point. This yard is purely a railroad facility. After the cars are segregated they are taken to the tracks to which they are ordered— * * *

Section 24 (*a*) of the Public Utilities Act prohibits, unless permission has been received from the Commission, the charging or receiving of any greater compensation in the aggregate for the transportation of

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property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance. The joint rate of 8 cents applies from Cement to Stockton through Sacramento, but at the latter point respondents assess $2.70 more per car than at the former point, thus receiving a greater compensation for a shorter than for a longer haul over the same line or route. They contend, however, that the industry tracks at Sacramento being removed from the Western Pacific main line are not directly intermediate to Stockton as contemplated by section 24 (*a*) of the Public Utilities Act, for the traffic destined to the latter point does not physically move via the rails serving the industry; therefore, the shorter distance is not included within the longer.

Were we to agree with this interpretation of section 24 (*a*) there would be created a peculiar situation, in that long and short haul departures would only occur when shipments were loaded or unloaded on the main line tracks of the carrier, a practice that is very rarely, if ever, followed. The term "Sacramento" in the tariffs comprehends not only the depot, or that portion of the city served by the main line rails of respondent, but all terminal facilities, within the switching limits, owned or controlled by the carriers and used by them in the performance of their common carrier duties. The Interstate Commerce Commission in considering the status of industry tracks at Los Angeles, *Associated Jobbers Case, supra,* held:

> Each of such spurs is in a real sense a railroad terminal at which the carrier receives and delivers freight—a special, and generally in practice an exclusive, railroad depot for the carload freight of a particular shipper. * * * For forty years and more it has been the policy of the railroads to develop traffic and facilitate its movement by the construction of such spur lines, and so extensive has become this method of direct delivery by rail that it is difficult to conceive of any system which might be devised for conducting the vast volume of our heavy traffic without the spur track * * * In view of these conditions, it would be manifestly unfair to treat the industrial spur as a plant facility, a shipper's convenience * * *. (p. 313.)
>
> We are fully convinced that the complainant's view of the nature of these tracks is correct and that they are portions of the terminal facilities of the carrier with those lines they connect, and, together with the team tracks and other yards, form the terminal facilities of these carriers * * *. (p. 313.)

Respondents on brief urged that a finding by the Commission that the joint rates are applicable at the interchange junction points would be tantamount to opening the terminals of the carrier not receiving the line haul for the use of their competitors, in violation of the law. They cite our decision in *California Canneries Company* vs. *Southern Pacific Company*, 12 C. R. C. 488–494, where we had for consideration the propriety of the Western Pacific and Southern Pacific Companies' refusal to absorb the switching charge exacted by The Atchison, Topeka and Santa Fe Railway Company for switching from the interchange track of the Western Pacific and Southern Pacific to the industry of the

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California Canneries Company when such traffic originated at or was destined to noncompetitive points on the former two lines. In reaching a decision in that case we held in effect that the terminals of The Atchison, Topeka and Santa Fe Railway could not be used by the Southern Pacific Company and Western Pacific Railroad without the payment of a reasonable compensation, nor could this Commission order carriers to throw open their terminal facilities to the free use of their competitors.

In the instant proceeding, however, we are confronted with an entirely different situation, for here respondents have voluntarily established joint rates including the switching service to or from all industry tracks at the line haul points. The carrier performing this switching service being a party to the joint through rate is certainly entitled to and does receive as its compensation a division of the line haul rate. Whether that division be properly measured by the volume of the switching charge or should be greater or less is not at issue in this proceeding and the matter of proper divisions will be left to respondents for determination.

Respondents have relief entirely upon a strained interpretation of the tariffs and of section 24 (*a*) of the Public Utilities Act to justify the assessing, at the interchange junction points, of a switching charge in addition to the line haul rates, and other than this the record is barren of any evidence justifying the present practice.

Upon consideration of all the facts of record we are of the opinion and find that the addition of Note 2 to Item 10 and Note 4 to Item 20 of Pacific Freight Tariff Bureau Tariff 30-H, C. R. C. 366, and similar items published in joint tariffs issued by F. W. Gomph, agent, and in the tariffs of the individual carriers, have not been justified.

ORDER.

It appearing, that by order dated October 5, 1925, the Commission entered upon a hearing concerning the lawfulness of the addition of Note 2 to Item 10 and Note 4 to Item 20 of Pacific Freight Tariff Bureau Tariff 30-H, C. R. C. 366, and similar items published in joint tariff issued by F. W. Gomph, agent, and in the tariffs of the individual carriers enumerated and described in said order and suspended the operation of the tariff until August 7, 1926.

It further appearing that a full investigation of the matters and things involved having been had and the Commission having on the date hereof made and filed its opinion containing its findings of fact and the conclusions therein, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the respondents herein be and they are hereby notified and required to cancel Note 2 to Item 10 and Note 4

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to Item 20 of Pacific Freight Tariff Bureau Tariff 30-H, C. R. C. 366, and similar items published in other joint tariffs issued by F. W. Gomph, agent, and in the tariffs of the individual carriers named therein, on or before September 1, 1926, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed by law.

It is hereby further ordered, that the orders entered in this proceeding suspending the operation of the tariffs be vacated and set aside as of September 1, 1926, and that this proceeding be discontinued.

Dated at San Francisco, California, this thirty-first day of July, 1926.

DECISION No. 17176.

COWELL PORTLAND CEMENT COMPANY

vs.

BAY POINT AND CLAYTON RAILROAD COMPANY, THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, CENTRAL CALIFORNIA TRACTION COMPANY, THE WESTERN PACIFIC RAILROAD COMPANY.

Case No. 2248.

Decided July 31, 1926.

RATES—STEAM RAILROAD—CEMENT—REPARATION.—Defendant carriers directed to refund to complainant all charges collected in excess of 19½ cents per 100 pounds for transportation of three carloads of cement from Cowell to Las Plumas, November 28, 1923, January 10, and March 12, 1924.

BY THE COMMISSION.

OPINION.

Complainant, a corporation organized under the laws of the State of California, with its principal place of business at San Francisco, is engaged in the manufacture and sale of cement.

By complaint duly filed it is alleged that the rate assessed and collected on three carloads of cement moved November 28, 1923, January 10 and March 12, 1924, from Cowell to Las Plumas was unreasonable to the extent it exceeded a rate of 19½ cents per 100 pounds. The statute of limitation was tolled on the shipments involved by registering the claim with this Commission July 25, 1925, under informal complaint No. 33314.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Cowell is located on the Bay Point and Clayton Railroad and Las Plumas on the Western Pacific Railroad. The shipments moved over the Bay Point and Clayton to Bay Point; The Atchison, Topeka and Santa Fe to Stockton; Central California Traction Company to Sacramento and Western Pacific beyond.

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Charges on the shipments were assessed on the basis of the lawfully applicable rate of 21½ cents, made by combination of commodity rates over Sacramento. The factor of the through rate was 8 cents to Sacramento as published in Pacific Freight Tariff Bureau Tariff 88-G, C. R. C. 303, and 13½ cents per 100 pounds Sacramento to Las Plumas, as published in Western Pacific Railroad Tariff 36-F, C. R. C. 257.

Prior to September 1, 1923, there was a rate of 19½ cents via route of movement from Cowell to Las Plumas, made by using the rates of 8 cents and 13½ cents, and treating these rate factors in accordance with the combination provisions then in effect in section 1 of Central Freight Association Bureau Tariff 228, C. R. C. 1. Effective October 25, 1925, defendants voluntarily reestablished this 19½ cent rate as published in supplement 2 to Pacific Freight Tariff Bureau Tariff 88-I, C. R. C. 364.

Complainant bases its plea for reparation upon the joint rate subsequently established.

Defendants admit the allegation of the complaint and have signified a willingness to make reparation adjustment; therefore, under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record we are of the opinion and find that the assailed rate was unreasonable to the extent it exceeded the subsequently established rate of 19½ cents; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation.

Complainant will submit statement to defendants for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Bay Point and Clayton Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, Central California Traction Company and Western Pacific Railroad Company, according as they participated in the transportation be and they are hereby authorized and directed to refund to complainant, Cowell Portland Cement Company of San Francisco, California, all charges they may have collected in excess of 19½ cents per 100 pounds for the transportation of three carloads of cement involved in this proceeding, forwarded November 28, 1923, January 10 and March 12, 1924, from Cowell to Las Plumas.

Dated at San Francisco, California, this thirty-first day of July, 1926.

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DECISION No. 17202.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO ISSUE AND SELL TWO HUNDRED FIFTY THOUSAND DOLLARS FACE AMOUNT OF APPLICANT'S FIRST AND REFUNDING MORTGAGE GOLD BONDS OF SERIES "D."

Application No. 13044.

Decided August 11, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

C. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Gas and Electric Company has applied to the Railroad Commission for permission to issue and sell, at not less than 97 per cent of face value plus accrued interest, $250,000 of its first and refunding mortgage 5 per cent gold bonds, due June 1, 1955, of Series "D," and to use the proceeds for the purpose of paying in part the cost of extensions, additions, betterments and improvements to its facilities and to those of Mt. Shasta Power Corporation, described in Application No. 12192.

Applicant refers to and incorporates in this proceeding its Application No. 12192, heretofore filed with this Commission on December 3, 1925. In that application the company reported, in Exhibits "B," "C," "D" and "E," actual and estimated expenditures, as of September 30, 1925, amounting to $26,875,925.74, consisting of the following:

Unreimbursed capital expenditures at September 30, 1925, of Pacific Gas and Electric Company and Mt. Shasta Power Corporation (Exhibit "B," Application No. 12192)	$10,114,330 26
Unexpended balance of capital expenditures authorized at September 30, 1925, by Pacific Gas and Electric Company (Exhibit "C," Application No. 12192)	8,342,091 11
Estimated cost of new construction, Pacific Gas and Electric Company for 1925 and 1926 (Exhibit "D," Application No. 12192)	6,000,000 00
Unexpended balance of capital expenditures authorized at September 30, 1925, by Mt. Shasta Power Corporation (Exhibit "E," Application No. 12192)	2,419,504 37
Total	$26,875,925 74

The company also reported that it had accounts receivable from unpaid subscriptions to its preferred and common stock theretofore authorized to be issued and sold, amounting to $464,105.40. It was authorized, by Decision No. 15758, dated December 16, 1925, in Application No. 12192, to use $464,105.40 to finance in part the expenditures of $26,875,925.74. Thereafter in various applications filed, the company was authorized to issue and sell $5,000,000 of common stock,

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$10,000,000 of preferred stock and $10,000,000 of Series "D" first and refunding mortgage 5 per cent bonds, identical to those now proposed to be issued, and to use the proceeds to finance in part the $26,875,-925.74.

Applicant now reports, in this proceeding, that it has received, or expects to receive, from the sale of these securities, the sum of $23,923,-969. Deducting this sum and the $464,105.40 from the $26,875,925.74 there is left a balance of $2,487,851.34 of expenditures not yet provided for through the issue of securities.

The present application to issue an additional $250,000 of bonds is made to obtain additional funds to finance in part this balance of $2,487,851.34. The bonds are designated Series "D" first and refunding mortgage bonds, bear interest at the rate of 5 per cent per annum, mature June 1, 1955, and are callable on any interest payment date at 105 if called on or before June 1, 1950, and thereafter at par. Applicant proposes to sell the bonds at not less than 97 per cent of face value plus accrued interest.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue and sale of such bonds is reasonably required by applicant for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Pacific Gas and Electric Company be and it is hereby authorized to issue and sell, at not less than 97 per cent of face value plus accrued interest, on or before December 31, 1926, $250,-000 of its first and refunding mortgage gold bonds of Series "D," and to use the proceeds for the purpose of paying in part such cost of the extensions, additions, betterments and improvements to its plants and facilities and to those of Mt. Shasta Power Corporation described in Exhibits "B," "C," "D" and "E" attached to Application No. 12192 as is properly chargeable to fixed capital accounts under the uniform system of accounts prescribed or adopted by the Railroad Commission of the State of California.

It is hereby further ordered, that applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

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It is hereby further ordered, that the authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $250.

Dated at San Francisco, California, this eleventh day of August, 1926.

DECISION No. 17208.

WILLIAM HENRY ADAMS AND LEE JUDKINS

vs.

LOS ANGELES COUNTY WATER WORKS.

Case No. 2158.

IN THE MATTER OF THE APPLICATION OF LOS ANGELES COUNTY WATER WORKS, A CORPORATION, FOR AUTHORITY TO INCREASE RATES.

Application No. 12575.

Decided August 11, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted. The utility is directed to file rules and regulations governing distribution of water for the approval of the Commission.

McAdoo, Neblett and O'Connor, by *W. H. Neblett* and *Brice Claggett,* for Los Angeles County Water Works.
W. H. Adams, for Complainants.
Carl B. Sturzenanacke, for Lions' Club of Gardena Valley.
Douglas Stockall, for Panama Acres Consumers, Protestants.

BY THE COMMISSION.

OPINION.

In this proceeding the complainants allege that defendant, Los Angeles County Water Works, a corporation, is delivering an insufficient quantity of water for the charges made, in that water is delivered on the basis of the run of the pump regardless of the quantity delivered. The complainants ask that the company be compelled to repair its pipe lines, gates, etc., in order to conserve the water thereby being wasted, and that the Commission establish a measured rate for the delivery and sale of irrigation water.

The company's answer denies generally the charge of responsibility for waste of water through leaky pipe lines, and alleges that the rapid growth of the community has increased the demands of the consumers beyond the capacity of the water supply and the facilities installed; that in order to provide proper service the company was forced to purchase water from outside sources and install additional water-producing equipment and distribution facilities, the costs of which have absorbed all the earnings of the company and will require refinancing in order to keep up with the demands of service; and that plans for

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refinancing are being prepared which will provide for all the requirements of the present service, including the installation of measuring devices demanded by complainants.

The application by the company alleges that for the year 1925 the revenues from the present rates produced a return of only 2.62 per cent upon the estimated investment of $235,326, using a depreciation annuity based upon the sinking fund method at 6 per cent and a return of 2.33 per cent using the sinking fund method at 5 per cent; that owing to the increased demands for service by the community it is necessary for the company to install additional facilities, and that it is difficult to finance same unless the present rates are increased to provide an adequate return upon the reasonable investment in the property devoted to public use.

Hearings in the above entitled matters were held before Examiner Williams at Los Angeles, after all consumers and other interested parties had been notified and given an opportunity to appear and be heard. By stipulation the complaint and application herein were consolidated for hearing and decision.

This company serves water for both irrigation and domestic purposes. The irrigation system consists of two pumping plants and wells, one of which delivers water directly into the irrigation distribution system and the other delivers the water into a concrete stand pipe, from which it is distributed for both irrigation and domestic purposes. There are 21,772 lineal feet of irrigation mains varying from 14 to 6 inches in diameter, delivering water to 63 consumers who irrigate approximately 228 acres of land.

The domestic system is supplied with water from the stand pipe referred to above, and may also be supplied from the irrigation well in cases of emergency. A third well, located in Panama Acres, is used entirely for domestic service. The domestic distribution system is entirely separate from the irrigation system and consists of 201,836 feet of mains varying from ¾ inch to 10 inches in diameter. There are 1719 services, of which 735 are metered.

The rates in effect on the main part of the system in and about the town of Gardena were established by this Commission in its Decision No. 6183, dated March 12, 1919, in Application No. 4220 (16 C. R. C. 541), and are as follows:

METER RATES.

500 cubic feet or less	$1 00
500 to 2000 cubic feet, per 100 cubic feet	15
Over 2000 cubic feet, per 100 cubic feet	10

FLAT RATES.

Domestic—for house and less than one-fourth acre of land, per month	$1 50

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IRRIGATION RATES.

Plant No. 2, $1.50 per hour run of pump at capacity.
Plant No. 3, $1.25 per hour run of pump at capacity.

FIRE SERVICE.

Per hydrant per month	$2 00
Minimum payment per month	25 00

The rates in effect on the Panama Acres district immediately adjoining the Gardena territory were established by the Commission in its Decision No. 2765, dated September 17, 1915 (8 C. R. C. 105), and are as follows:

1000 cubic feet or less	$1 50
1000 to 2000 cubic feet, per 100 cubic feet	08
Over 2000 cubic feet, per 100 cubic feet	05

At the hearings the consumers testified that the irrigation water is sold on an hourly basis at pump capacity; that the quantity delivered by the pump has been gradually growing less each year until now it is less than one-half the quantity originally delivered, and that particularly during the 1925 irrigation season the company failed to deliver a sufficient quantity of water when required, which resulted in a considerable loss to the consumers through failure to mature crops. It was also stated that there was considerable leakage in the distribution mains and the gate valves, reducing the quantity of water delivered; and that this loss, taken in connection with the gradual seasonal reduction in deliveries of water, has had the effect of gradually increasing the cost of water and has resulted in an excessive rate for the quantity of water delivered, which has had the effect of reducing the acreage planted and has consequently decreased the company's annual revenues from water sales.

The company claimed that the subnormal rainfall for the past several years, requiring an increased amount of pumping irrigation water to make up the deficiency, has resulted in a constant lowering of the water table, making it necessary to lower the pumps each season and to increase the power applied in order to produce sufficient water to meet the requirements of its consumers. During the 1925 irrigation season the company's well collapsed while the casing was being perforated in an attempt to obtain additional water from another stratum, as a result of which water was purchased from other sources at approximately the same rate as now in effect on the system in order that the consumers would suffer no loss through interruption of service. Thereafter the company drilled a new well and installed new pumping machinery and equipment. According to the testimony of the company this new well produced about 75 miner's inches of water when first drilled, but later sanded up, resulting in a considerable expense to develop the full flow of the well again. At the time of the hearing

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the evidence shows that this well was consistently producing 100 miner's inches of water. Measurements of deliveries taken at two other points on the irrigation pipe line showed that at one-half mile from the pump there were 89.3 miner's inches of water being delivered, and that at one mile from the pump or at the end of the line there were 73.0 miner's inches of water being delivered. As all leaks had been repaired at the time of investigation and test, this reduction in delivery is due entirely to loss of head through the pipe lines. This evidence indicates that the amount of irrigation water delivered is not uniform to all consumers and is unsatisfactory and discriminatory especially as to those water users receiving service through long pipe lines at a considerable distance from the pumping plant. It is clear, therefore, that the contention of the consumers that water should be measured at the various points of delivery rather than at the pumping plant is well taken and should be sustained.

Although several consumers testified that the time required to irrigate certain parcels of land had increased from two to four times, yet no testimony was offered showing the quantity of water delivered for irrigation during the early days of operation when the consumers claimed a plentiful and adequate supply, as compared to the period complained of and ensuing thereafter. However, the evidence indicates that the consumers, as a matter of fact, have been paying from 3 to 5 cents per miner's inch per hour, measured at the pump, which does not include the additional loss in transit suffered through leaks and otherwise.

At the hearings reports were presented by F. M. Faude, consulting engineer for the company, and by William Stava, one of the Commission's hydraulic engineers. Mr. Faude's report showed the estimated original cost of the property to be $233,122 and the depreciation annuity $5,366, computed by the 5 per cent sinking fund method. In Mr. Stava's report the estimated original cost was found to be $227,443 and the depreciation annuity $5,033, also computed by the 5 per cent sinking fund method. The maintenance and operating expenses for 1925 were analyzed and presented by both engineers, and were found to total $24,403. The report of the Commission's engineer showed that the 1925 expenses were about $8,000 more than the 1924 expenses, and about $9,000 more than the expenses for 1923, exclusive of depreciation, and that the difference was largely due to the growth of the community and the failure of the well supplying irrigation water, both of which have necessitated the purchase and delivery of water from outside sources. Another large item of expense is attributable to the costs involved in lowering mains and services on account of extensive paving operations, which according to the testimony will continue for some time in the future. The present demands for

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service will require the development of additional water-producing facilities, the annual charges of which will about equal the cost of the water purchased during 1925. In addition the company proposes to fully meter the system, which will increase the cost of meter maintenance. A consideration of the testimony submitted regarding maintenance and operation expense indicates that the 1925 expenses as submitted above may be considered reasonable for the immediate future. The operating revenues of the company were shown to be $34,535 for 1925, $30,700 for 1924 and $27,860 for 1923. The increased annual revenues reflect the growth of the community and indicate that some increase in revenue can be depended upon from that source.

The results of operation for the year of 1925 on the basis of the company's reports show a return of 2.05 per cent on the estimated original cost, while the report of the Commission's engineer indicates a return of 2.24 per cent. Owing to the incompleteness of the company's records and accounts covering former years it was impossible to determine accurately the results of the operations for the years 1923 and 1924, but computations made from the information submitted at the hearing indicate that the return earned during those two years was approximately 4.7 per cent and 4.3 per cent, respectively.

In connection with the complaint of Adams et al., requesting the establishment of a measured rate, a segregation was made of the physical property, depreciation annuity and the operating expenses, by both Mr. Faude and Mr. Stava, for the purpose of determining what portion of these items were chargeable against the irrigation service. The results of this segregation are shown as follows:

	Faude		*Stava*	
	Domestic system	*Irrigation system*	*Domestic system*	*Irrigaton system*
Revenues	$28,971	$5,564	$28,954	$5,581
Maintenance and operation expenses	$18,530	$5,873	$18,530	$5,873
Depreciation annuity	4,455	911	4,181	857
Total expenses	$22,985	$6,784	$22,711	$6,730
Net revenue	$5,986	*$1,220	$6,247	*$1,151
Estimated cost	$198,223	$34,899	$193,326	$34,117
Per cent return	3.02	----	3.23	----

*Loss.

The figures set out above indicate that the irrigation system is not returning operating expenses and that the domestic system is not producing an adequate and reasonable return on the investment. It therefore appears that an adjustment in the present schedule of rates should be made at this time. The rates established in the following order are designed to return sufficient revenue to cover main-

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tenance and operation expenses, depreciation annuity, and under the circumstances existing on this system, a reasonable return on the property devoted to public use.

ORDER.

William Henry Adams et al. having filed formal complaint before this Commission against the irrigation service and rates of the Los Angeles County Water Works, a corporation, and the Los Angeles County Water Works, a corporation, having made application for authority to increase the rates for water delivered to consumers at Gardena and vicinity, Los Angeles County, public hearings having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter:

It is hereby found as a fact that the rates now charged by Los Angeles County Water Works, a corporation, for water delivered to consumers at Gardena and vicinity, Los Angeles County, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for such service.

It is hereby ordered, that Los Angeles County Water Works, a corporation, be and it is hereby directed to file with this Commission within twenty days from the date of this order, the following schedule of rates for all water delivered to its consumers in Gardena and vicinity, Los Angeles County, on and after the first day of September, 1926:

MONTHLY METER RATES.

600 cubic feet or less	$1 50
From 600 to 3000 cubic feet, per 100 cubic feet	20
Over 3000 cubic feet, per 100 cubic feet	12

MONTHLY MINIMUM CHARGES.

⅝-inch meter	$1 50
¾-inch meter	1 75
1-inch meter	2 00
1½-inch meter	2 75
2-inch meter	3 50
3-inch meter	10 00
4-inch meter	14 00

Each of the foregoing "monthly minimum charges" will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the "monthly meter rate" set out above.

MONTHLY FLAT RATES.

For residences or flats of five rooms or less, with bath and toilet	$1 50
For each additional bath	25
For each additional toilet	25
For each additional room	10
Store or business house, with lavatory and toilet	1 50
Stores with soda fountains	3 00
Barber shops and two chairs	1 50
Each additional chair	25
Restaurants	4 00
Lunch counters	1 50

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Pool hall with toilet	$1 50
Blacksmith shop	1 00
Doctors' or dentists' offices, etc.	1 50
Apartments, 2-room, with bath and toilet	50
Apartments, 4-room, with bath and toilet	1 00
Apartments, 5-room, with bath and toilet	1 50
Service stations	2 00
Per square yard of surface actually irrigated, during months when water is used	005

FIRE SERVICE.

Per hydrant per month	$2 00
Minimum monthly payment	25 00

IRRIGATION RATES.

Per miner's inch hour, delivered	$0 04

(A miner's inch shall be considered the equivalent of one-fiftieth (1/50) of a cubic foot of water per second.)

It is hereby further ordered, that Los Angeles County Water Works, a corporation, be and it is hereby directed to file with the Railroad Commission within thirty days from the date of this order, rules and regulations governing the distribution of water to consumers, said rules to become effective upon their approval by this Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this eleventh day of August, 1926.

DECISION No. 17219.

IN THE MATTER OF THE APPLICATION OF STANISLAUS COUNTY FARMERS' UNION, A CORPORATION, FOR AN ORDER AUTHORIZING ISSUE OF NOTES AND MORTGAGES TO SECURE SAME.

Application No. 13065.

Decided August 13, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Griffin, Boone and Boone, for Applicant.

BY THE COMMISSION.

OPINION.

In this proceeding Stanislaus County Farmers' Union asks the Railroad Commission to make an order authorizing it to execute three mortgages on certain real property and three chattel mortgages on certain personal property and to issue three one-year 7 per cent notes in the aggregate face amount of $18,000.

The application shows that Stanislaus County Farmers Union was organized on or about March 28, 1917, and "that the applicant is an incorporated, cooperative, nonprofit association, engaged in the business of acquiring and furnishing the means and facilities to its members by which its members may market and dispose of the products of their farms in such manner as to yield the best returns, and providing its

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members means by which they may purchase and obtain their goods, equipment and supplies at reasonable cost." It appears, however, that applicant's warehouse is open to the public and that it has had on file with this Commission since January 22, 1919, its tariff of rates covering its storage service. For a further description of the operations, reference is made to the Commission's Decision No. 7890, dated July 22, 1920. (Volume 18, Opinions and Orders of the Railroad Commission of California, page 590.)

It appears that the company is the owner of two iron-clad warehouses located in Modesto, situated on land leased from the Southern Pacific Railroad Company and that it is engaged in a general storage business, storing grain and dried fruits; also retailing feed, seeds and farm supplies, cleaning and grinding grain; handling green fruit and preparing it for shipment and aiding in the marketing thereof. In Exhibit "B" it reports a general description of its property as follows:

Office equipment—		
Appraised value April 1, 1922	$542 50	
Reserve for depreciation	252 38	
Present net value		$290 12
Consisting of safe, adding machine, desks, chairs, files and miscellaneous office equipment.		
Warehouse equipment—		
Appraised value April 1, 1922	$2,700 00	
Additions	3 00	
	$2,703 00	
Reserve for depreciation	1,232 42	
Present net value		1,470 58
Consisting of scales, hand trucks, grain stacking machinery, bins, counters, and other miscellaneous warehouse equipment.		
Truck equipment—		
Appraised value April 1, 1922	$700 00	
Reserve for depreciation	700 00	
Consisting of one Ford truck, which is still in use.		
Cleaning and grinding equipment—		
Appraised value April 1, 1922	$5,250 00	
Reserve for depreciation	2,441 25	
Present net value		2,808 75
Consisting of barley mill, bean cleaner, boiler and other machinery.		
Buildings—		
Appraised value April 1, 1922	$13,500 00	
Reserve for depreciation	1,559 25	
Present net value		11,940 75
Consisting of two iron-clad warehouses situated on the land leased from the Southern Pacific Railroad Company.		
Total present net value		$16,510 20

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Other investments	$900 00
Current assets	11,619 36
Total assets	$29,029 56

Applicant reports that it has outstanding indebtedness evidenced by mortgages on its properties, amounting to $18,000, consisting of $14,000 due A. L. Rutherford, S. Spyers, Wm. R. Grotham, J. J. Hardie and D. M. Hackett, and $4,000 due Allen Talbot. It appears that this indebtedness was incurred August 6, 1921, for the purpose of paying amounts borrowed from California National Bank of Modesto to purchase and acquire the property and equipment of the company and to provide working capital.

Applicant now reports that it is unable to pay these sums and that it desires to renew outstanding indebtedness through the issue of three one-year 7 per cent notes, dated June 29, 1926, one note for $10,000, to be payable to A. L. Rutherford, S. Spyers, Wm. Grothmann and Lola May Hackett, as executrix for the estate of D. M. Hackett; the second note, for $4,000, to be payable to Allen Talbot; and the third note, for $4,000, to be payable to J. J. Hardie.

The application shows that the three notes will be secured by three mortgages, covering certain real property and three chattel mortgages covering certain personal property, all of equal priority. Copies of the six instruments are filed with the application as Exhibit "D," and appear to be in satisfactory form.

The Commission has given consideration to the application filed and is of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted as provided in the order following this opinion.

ORDER.

Stanislaus County Farmers' Union having applied to the Railroad Commission for permission to execute mortgages and to issue notes, and the Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that the application should be granted as herein provided and that the issue of the notes is reasonably required by applicant;

It is hereby ordered, that Stanislaus Farmers' Union be and it is hereby authorized to execute three mortgages on real property and three chattel mortgages on personal property substantially in the same form as the mortgages filed in this application as Exhibit "D" and to issue its one-year 7 per cent notes in the aggregate face amount of $18,000, as indicated in the foregoing opinion and in this application, to renew outstanding indebtedness of like amount.

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The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute mortgages is for the purpose of this proceeding only, and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgages as to such other legal requirements to which said mortgages may be subject.

2. Applicant shall file with the Commission within thirty days after the issue of the notes herein authorized a verified report setting forth the date of issue, names of payees, and terms of the notes, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this thirteenth day of August, 1926.

DECISION No. 17227.

IN THE MATTER OF THE APPLICATION OF BUTTE VALLEY TELEPHONE COMPANY FOR AUTHORITY TO INCREASE RATES.

Application No. 12612.

Decided August 17, 1926.

RATES—TELEPHONE UTILITY—TO INCREASE.—Application granted.

J. H. Hessig, for Applicant.
A. P. Heup, for Kesterson Lumber Co., an interested party.

BY THE COMMISSION.

OPINION.

In this proceeding, Butte Valley Telephone Company, a corporation, asks that the Railroad Commission issue its order authorizing applicant to increase its rates for exchange telephone service rendered in Dorris and vicinity. The Butte Valley Telephone Company, hereinafter referred to as the applicant, owns and operates a telephone switchboard located in the town of Dorris and furnishes exchange telephone service in Dorris and tributary territory, all in Siskiyou County, California. Applicant owns no toll lines but provides connection at its switchboard with the toll telephone facilities of The Pacific Telephone and Telegraph Company and Klamath Telephone and Telegraph Company.

Public hearings were held in this matter before Examiner Austin on May 6 and 7, 1926, in Dorris.

Applicant presented evidence at the hearing, through its witness, Mr. J. H. Hessig, purporting to show that for a number of years past it had not been earning a return on its investment and due to certain reconstruction work, including the metallicizing of lines in the town of Dorris, which was completed in 1925, its financial condition would be

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even worse in the future if it were not given relief in the form of an increase in rates for exchange telephone service.

Applicant submitted exhibits showing financial statement, schedules of present and proposed rates and an inventory and appraisal of its property in the town of Dorris. A field inspection of applicant's property, including a check of the inventory that it submitted, and an examination of its books was made by F. M. Casal, assistant engineer of the Commission. A reconstructed statement of operating revenue and expenses and a valuation of applicant's telephone property in Dorris were estimated from the information thus obtained, which were filed subsequent to the hearings and made a part of the record in this matter as agreed at the hearing. A summary of the information contained in these exhibits showing operating revenue and expenses for the year 1925 together with the company's, valuation as of December 31, 1925, and Mr. Casal's valuation adjusted to account for poles jointly used is set forth in the following table:

Operating Revenue and Expenses Butte Valley Telephone Company, January 1, 1925, to December 31, 1925.

	Butte Valley Telephone Company book figures	Estimated revenue under present rates and reasonable expenses
Revenue	$695 25	$975 00
Expenses including taxes and uncollectibles less depreciation	1,485 34	1,274 00
Net for interest and depreciation	*790 09	*299 00
Depreciation	138 82	73 00
Net for interest	*928 91	*372 00

* Loss.

Valuation of Telephone Properties of Butte Valley Telephone Company in the Town of Dorris.

Butte Valley Telephone Co.	
Reproduction cost, undepreciated, including material and supplies as of December 31, 1925	$3,220 03
Engineering Department—Railroad Commission	
(1) Historical reproduction cost, undepreciated, as of May 1, 1926	1,710 00
(2) Historical reproduction cost, depreciated, as of May 1, 1926	1,110 00

It is to be noted that the valuations include only that property of applicant that is located within the town limits of Dorris although applicant owns and operates a suburban telephone line extending westerly from Dorris for a distance of about twenty miles. Applicant proposes to sell this line to the subscribers served by it and has already obtained the signed request of such subscribers to purchase it. This matter is being considered in another proceeding, Application No. 12923.

In determining the average rate base for the calendar year 1926 no allowance is made for additions and betterments from and after the date of the valuation, for although expansion of business acitivities in

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Dorris appears to be probable it is believed that some time will elapse before such expansion is reflected in the business of applicant.

The reasonable rate base found in connection with this proceeding is as follows:

Rate Base—Butte Valley Telephone Company, 1926.

Operative property in town of Dorris as per C. R. C. exhibit (adjusted) as of May 1, 1926	$1,690 00
Materials and supplies and working capital	160 00
Rate base, 1926	$1,850 00

Considerable evidence was presented at the hearing tending to show that the service of applicant was unsatisfactory in that the daily period during which service was available was too short and that continuous, twenty-four hour service should be furnished by applicant or that the hours of service should at least be extended to include the late hours of the evening.

It is apparent from the record in this proceeding that applicant is entitled to an increase in rates considering the present hours of service and resulting operating expenses. To extend the present hours of service would require additional operators, which would result in an increase in operating expenses, and if this were done it would appear reasonable to permit applicant to further increase its revenue at least by an amount not less than such increase in operating expenses. This could only be provided by a further increase in rates, which would be spread over the entire exchange and result in what appears to be an unwarranted charge to those subscribers who do not require additional service, as in a small town such as Dorris the necessity for extended hours of service is not felt equally by all subscribers.

Testimony was also introduced at the hearings to the effect that applicant had not provided certain of its patrons with service desired by them, to wit: One party line business service. Applicant has neglected to file with this Commission heretofore a rate covering this class and grade of service and according to statements of applicant's witness, applicant has held in abeyance the installation of one-party line service pending the receipt of a decision in this proceeding. It is a fact that applicant has had but one rate filed with this Commission for telephone service that is, $1.50 per month per station for party line stations. The rate schedule authorized herein will provide for individual and party line service.

After carefully considering the facts involved in this matter we are of the opinion that it would be difficult for applicant to earn a fair return on its investment under existing conditions regardless of the magnitude of rates which might be applied to its service. It is anticipated that the rates set forth in the order following will enable applicant to obtain revenue sufficient to meet operating expenses, taxes and

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uncollectibles and at the same time permit of a margin for a return on its investment.

ORDER.

Butte Valley Telephone Company having made application requesting the Railroad Commission to authorize certain rates and rules and regulations applicable to exchange telephone service in Dorris, California, public hearings having been held and the matter having been submitted and now ready for decision:

The Railroad Commission hereby finds as a fact that the rates now charged for telephone service are incapable of providing an adequate return and are not just and reasonable and that the rates herein established are not unjust and unreasonable for the operating conditions existing.

Basing its order on the foregoing finding of fact and upon other findings of fact contained in the opinion which precedes this order;

It is hereby ordered, that Butte Valley Telephone Company shall—

(1) Charge and collect the rates for exchange telephone service set forth in Exhibit "A," attached hereto, for service rendered on and after October 1, 1926.

(2) Establish a primary rate area and an exchange area for Dorris exchange as set forth in Exhibit "B," attached hereto.

(3) File with the Railroad Commission on or before September 30, 1926, the rates set forth in Exhibit "A," attached hereto.

(4) File with the Railroad Commission on or before September 30, 1926, maps showing the primary rate area and exchange area for the Dorris exchange as set forth in Exhibit "B," attached hereto.

(5) File with the Railroad Commission on or before September 30, 1926, definitions, rules and regulations governing telephone service, similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, as may be approved by this Commission.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this seventeenth day of August, 1926.

EXHIBIT "A."

EXCHANGE RATES.

Exchange Service Schedule No. A-1.

Service.

Applicable to individual and party line flat rate service furnished within the primary rate area of the Dorris exchange.

Rate.

	Rate per station per month			
	Business service		Residence service	
Grade of service	Wall set	Desk set	Wall set	Desk set
Individual line	$4 00	$4 25	$3 50	$3 75
Four-party line	3 25	3 50	2 75	3 00
Ten-party line	2 75	3 00	2 25	2 50
Extension with bell or without bell	1 00	1 25	1 00	1 25

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Conditions.

(1) Individual line and four-party line service is furnished outside the primary rate area at the above rates plus mileage charges; ten-party line service is not furnished outside the primary rate area at the above rates.

(2) Extension stations at the above rates are located on the same premises as the primary station.

Exchange Service Schedule No. A-4.

Mileage rates.

Mileage rates applicable throughout the suburban area.

Service.	Rate per each one-quarter mile or fraction thereof per month
Each individual line primary station	$0 50
Each four-party line primary station	25

The above rates are based on air line distance measured between the subscriber's primary station and the nearest point on the boundary of the primary rate area. These rates are applied to the services listed above when subscriber's instrumentalities are located outside the primary rate area but within the exchange area, in addition to the other rates applying to those services.

Exchange Service Schedule No. A-6.

Farmer line service.

Applicable to farmer line service outside the primary rate area of the Dorris exchange.

Rate.	Business service	Residence service
Rate per station per year	$12 00	$9 00

Minimum charge.

The minimum charge is $39.00 per year per circuit.

Conditions.

(1) The company installs, owns and maintains at its expense the necessary central office equipment and service, line facilities to the boundary of the primary rate area, listing in the directory and code ringing card.

(2) The subscriber installs, owns and maintains at his expense the necessary facilities from the company's line at the boundary of the primary rate area to the subscriber's instrument and the complete telephone instrument, battery and substation protector.

Exchange Service Schedule No. A-13.

Public Pay Station Service.

Service.

Applicable to service from company's nonlisted public telephone stations.

Rate.

Each exchange message, completed over exchange lines to any point in the Dorris exchange area	$0 05

Conditions.

Public telephones will be installed by the company at its discretion, in public locations, to meet the general and transient telephone requirements.

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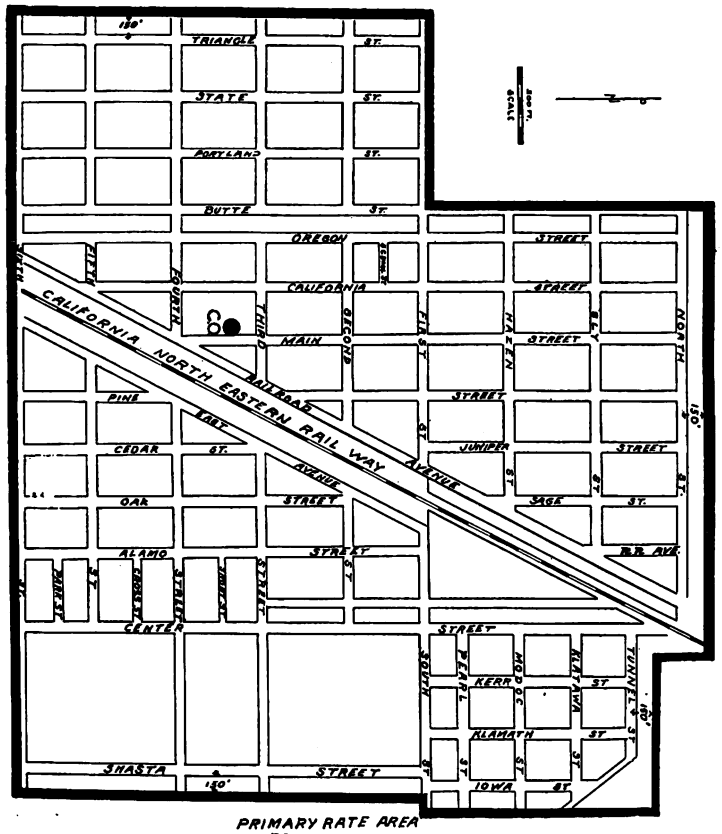
EXHIBIT "B."

MAPS SHOWING PRIMARY RATE AREA BOUNDARY AND EXCHANGE AREA BOUNDARY OF THE DORRIS EXCHANGE.



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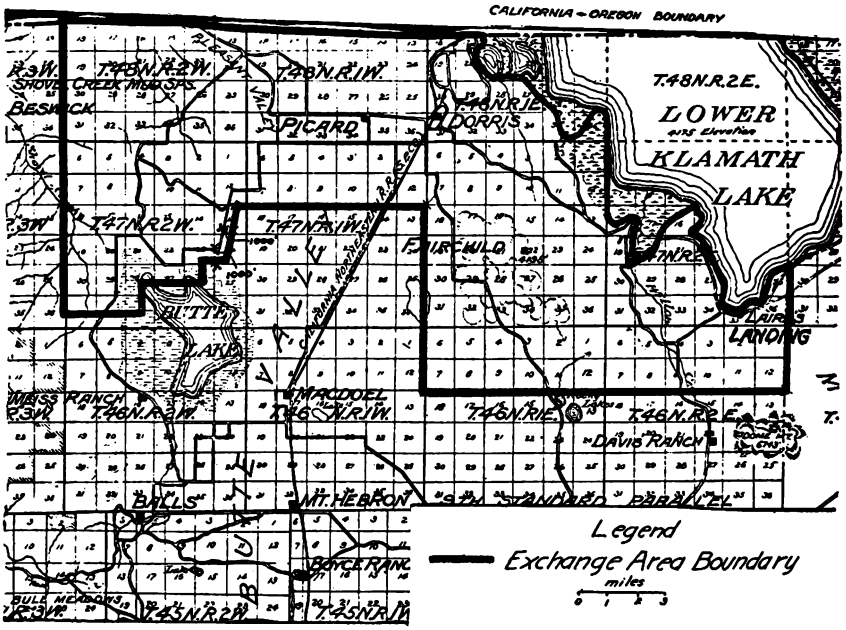

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DECISION No. 17240.

CITY OF OAKLAND, A MUNICIPAL CORPORATION,

vs.

KEY SYSTEM TRANSIT COMPANY, A CORPORATION.

Case No. 1989.

Decided August 17, 1926.

TRANSPORTATION—STREET RAILWAY—TO REROUTE.—Rerouting of Richmond, West Berkeley and Shattuck-Grove street lines of Key System Transit Company authorized.

BY THE COMMISSION.

SECOND SUPPLEMENTAL ORDER.

Key System Transit Company, defendant herein, having on July 23, 1926, requested that Commission's Order No. 15290, dated August 13, 1925, be amended so that the Richmond main line cars may loop from Washington street and San Pablo avenue, south on Washington to Second street, east on Second street to Broadway, north on Broadway to San Pablo avenue, and northwesterly along San Pablo avenue; that the West Berkeley line cars may loop from Washington street and San Pablo avenue, south on Washington street to Eighth street, east on Eighth street to Broadway, north on Broadway to San Pablo avenue, and northwesterly along San Pablo avenue; and, owing to the lack of four-motor equipment which renders defendant temporarily unable to equip the entire Grove street-Shattuck route as specified in Exhibit "A," attached to Decision No. 15290, said defendant having further requested that the Shattuck avenue line be temporarily routed north and south along Broadway, south of Fifteenth street, and that the Grove street main line loop from Washington street and San Pablo avenue, southeasterly along San Pablo avenue to Broadway, south on Broadway to Eighth street, west on Eighth street to Washington street, north on Washington street to San Pablo avenue, and northwesterly along San Pablo avenue; and it appearing that this is not a matter in which a public hearing is necessary, that the city of Oakland has signified by letter that it has no objection to said changes in routing, and that said requests should be granted; therefore,

It is hereby ordered, that Decision No. 15290, dated August 13, 1925, in so far as it relates to the routes of the Richmond main line and the West Berkeley line, described in Exhibit "A," attached to said decision, as follows:

Richmond—Loop from Washington street and San Pablo avenue, south on Washington street to Eighth street, east on Eighth street to Broadway, north on Broadway to San Pablo avenue, and northwesterly along San Pablo avenue.

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West Berkeley—Loop from Washington street and San Pablo avenue, south on Washington street to Second street, east on Second street to Broadway, north on Broadway to San Pablo avenue, and northwesterly along San Pablo avenue.

be and they are hereby amended to read:

Richmond—Loop from Washington street and San Pablo avenue, south on Washington street to Second street, east on Second street to Broadway, north on Broadway to San Pablo avenue, and northwesterly along San Pablo avenue.

West Berkeley—Loop from Washington street and San Pablo avenue, south on Washington street to Eighth street, east on Eighth street to Broadway, north on Broadway to San Pablo avenue, and northwesterly along San Pablo avenue.

It is hereby further ordered, that Decision No. 15290, dated August 13, 1925, in so far as it relates to the route of the Shattuck avenue-Grove line, described in Exhibit "A," attached to said decision, as follows:

Shattuck Avenue-Grove—Both directions along San Pablo avenue northwesterly of Washington street, along Washington street to Eighth street, along Eighth street to Broadway, along Broadway to Telegraph avenue, and along Telegraph avenue.

be and it is hereby amended to read:

Shattuck Avenue—Along Broadway in both directions south of Fifteenth street.

Grove Main Line—Loop from Washington street and San Pablo avenue, southeasterly along San Pablo avenue to Broadway, south on Broadway to Eighth street, west on Eighth street to Washington street, north on Washington street to San Pablo avenue, and northwesterly along San Pablo avenue.

subject, however, to the following conditions:

(1) The authority herein granting the rerouting of the Shattuck avenue-Grove line shall lapse and become void within six months from the date of this second supplemental order, unless further time is granted by subsequent order.

(2) Upon the expiration of time as set forth in condition (1) above, the order routing said Shattuck avenue-Grove line, as set forth in Exhibit "A" of Commission's Decision No. 15290, shall again become effective.

In all other respects this Commission's orders heretofore entered in the above entitled proceeding shall remain in full force and effect.

Dated at San Francisco, California, this seventeenth day of August, 1926.

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DECISION No. 17241.

IN THE MATTER OF THE APPLICATION OF NORTH SACRAMENTO LIGHT AND WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF BONDS.

Application No. 13040.

Decided August 18, 1926.

SECURITIES—BONDS—TO ISSUE.—Application granted.

Henry and Bedeau, by *J. L. Henry*, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled application North Sacramento Light and Water Company asks permission to execute a mortgage and/or deed of trust to secure the payment of an authorized issue of $250,000 of bonds and issue and sell, at not less than 95 per cent of their face value and accrued interest, $60,000 of said bonds for the purpose of paying indebtedness incurred on account of the acquisition and construction of properties.

Applicant was organized in 1911 and has an authorized stock issue of $250,000. Stock in the amount of $44,550 is outstanding. Substantially all of applicant's outstanding stock is owned by the North Sacramento Land Company.

By Decision No. 15693 dated November 30, 1925 (Vol. 27, Opinions and Orders of the Railroad Commission of California, page 247), the Commission authorized applicant to increase its rates and charges for water service, provided said applicant submit prior to January 1, 1926, plans for the necessary improvement of service. Such plans were filed with the Commission and approved by the Commission. It is of record in this proceeding that all of the improvements have been installed and that the cost of the improvements amounted to $21,068.49. In Decision No. 15693 it appears that the engineering department of the Commission estimated the historical cost of applicant's operative properties as of January 1, 1925, at $62,847 and of its nonoperative properties at $16,224 making a total of $79,071. Adding the $21,068.49 to the estimated original cost of applicant's properties, to wit, $79,071, results in a total actual or estimated cost of applicant's properties of $100,139.49.

In order to acquire and construct the improvements which this Commission directed applicant to make, applicant found it necessary to borrow $12,500 from the California National Bank and $8,568.49 from the North Sacramento Land Company. It is of record that applicant is indebted to the North Sacramento Land Company in the sum of $73,264.09. A part of this indebtedness was incurred for

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capital purposes and part for the maintenance of applicant's service and payment of operating expenses.

It is for the purpose of paying the indebtedness of $12,500 due the California National Bank and for the purpose of paying in part the indebtedness due the North Sacramento Land Company that applicant asks permission to issue $60,000 of bonds. The testimony shows that the California Trust and Savings Bank has agreed to purchase the bonds and pay applicant therefor 95 per cent of their face value and accrued interest. The bonds are to be dated July 1, 1926, and mature July 1, 1946. They are to bear interest at the rate of 6½ per cent per annum and be redeemable at the option of the company at 102 and accrued interest.

As of July 1, 1926, applicant had 719 consumers. It estimates its operating revenues for 1926 at $18,000 and its ordinary operating expenses including depreciation at $9,000. This estimate includes actual revenues and expenses for a period of seven months of the current year.

Applicant has filed with the Commission a copy of its proposed mortgage and/or deed of trust. This instrument has been reviewed by the Commission and should in its opinion be revised in several particulars. Provision should be made for the issue of bonds in series. The $60,000 of bonds which applicant now asks permission to issue should be designated as Series "A." The board of directors of applicant should reserve the right to determine the interest rate and the redemption price of the remaining $190,000 of authorized bonds at the time that it authorizes the execution of such bonds. The trustee should be authorized to certify the remaining $190,000 of bonds only in amounts equal to not exceeding 75 per cent of the cost or value (whichever is less) of additional properties acquired by the company and then only if the net earnings of the company for a period of twelve consecutive months out of the fourteen calendar months next preceding the time at which the application for the certification of bonds by the trustee is made, has been at least one and one-half times the interest on the company's outstanding bonds, plus the interest on the bonds which the trustee is then asked to certify. Such changes necessitate the rewriting of article one relating to the execution, authentication and issue of bonds. There should also be eliminated from the proposed mortgage article eleven relating to the immunity of officers, stockholders and directors and the reference to an order of the Commission having authorized the entire issue of bonds. Article three concerning the control of pledged securities should be revised, as should other provisions of the mortgage and/or deed of trust, so that it may conform in its entirety with the suggestions herein made.

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ORDER.

North Sacramento Light and Water Company having applied to the Railroad Commision for permission to execute a mortgage and/or deed of trust and to issue $60,000 face amount of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of the bonds herein authorized is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted, as provided in this order; therefore,

It is hereby ordered, that upon the effective date of this order, North Sacramento Light and Water Company be and it is hereby authorized to issue and sell for not less than 95 per cent of their face value and accrued interest, $60,000 of its first mortgage sinking fund 6½ per cent gold bonds due July 1, 1946, and use the proceeds, other than accrued interest, obtained from the sale of such bonds to pay the $12,500 of indebtedness due the California National Bank and to pay in part the indebtedness due the North Sacramento Land Company, referred to in this application. The accrued interest may be used for general corporate purposes.

It is hereby further ordered, that the authority herein granted will become effective when the Railroad Commission has authorized applicant to execute a mortgage and/or deed of trust to secure the payment of said bonds and when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $60.

It is hereby further ordered, that North Sacramento Light and Water Company shall keep such record of the issue, sale and delivery of the bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eighteenth day of August, 1926.

DECISION No. 17250.

IN THE MATTER OF THE APPLICATION OF OJAI POWER COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE ADDITIONAL STOCK.

Application No. 13048.

Decided August 20, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

M. W. Phillips, for Applicant.

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BY THE COMMISSION.

ORDER.

Ojai Power Company, a corporation engaged in operating public utility electric and water properties in and about the city of Ojai, Ventura County, has applied to the Railroad Commission for permission to issue and sell, at not less than par, 168 shares of its common capital stock of the aggregate par value of $16,800.

In Exhibits "D" and "E" applicant estimates its construction expenditures from July 1, 1926, to December 31, 1927, of $16,800 consisting of the following:

Electric department—		
40 new lighting consumers	$2,000 00	
23 new domestic consumers	3,450 00	
4 new power consumers	2,000 00	
Total electric		$7,450 00
Water department—		
Blanche street 4-inch main extensions	$1,142 60	
Ventura road 3-inch main extensions	317 00	
Summer street 6-inch main replacement 3-inch	425 50	
Ojai avenue 4-inch main replacement 2-inch	263 85	
Main pumping line, 6-inch replacement 4-inch	1,458 09	
Lion and Eucalyptus, 2-inch replacement 1-inch	513 50	
Canada street 2-inch main extension	322 55	
Concrete settling tank and sump	500 00	
Deepening well and new pump equipment	3,316 91	
30 new consumers	750 00	
20 extra meters	340 00	
Total water		9,350 00
Total		$16,800 00

The testimony shows $3,316.91 has been expended to deepen a well and equip the same with a new pump. The company, in making this request to issue and sell stock, asks that it be permitted to use $3,316.91 of the proceeds to reimburse its treasury and to use the remaining proceeds to finance the remaining expenditures enumerated in the foregoing tabulation. In each instance where it is proposed to replace property, the company proposes to issue stock only to the extent of the net increase in its investment on account of the replacement.

A public hearing in this matter was held before Examiner Fankhauser. The Commission has given consideration to the company's request and is of the opinion that the money, property or labor to be procured or paid for through the issue of the $16,800 of stock is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense or to income; therefore,

It is hereby ordered, that Ojai Power Company be and it hereby is authorized to issue and sell, on or before December 1, 1927, at not less

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than par, $16,800 of its common capital stock and to use not exceeding $3,316.91 of the proceeds to reimburse its treasury on account of earnings expended for additions, betterments and extensions to its plants and properties and to use the remaining proceeds to pay for the additions, betterments and extensions referred to herein.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twentieth day of August, 1926.

DECISION No. 17252.

IN THE MATTER OF THE APPLICATION OF HENRIK ARTUR TROBERG, AN INDIVIDUAL, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE VESSELS FOR THE TRANSPORTATION OF HAY, FOR COMPENSATION, BETWEEN POINTS ON THE INLAND WATERS OF THE STATE OF CALIFORNIA.

Application No. 12646.
Decided August 20, 1926.

BY THE COMMISSION.

SUPPLEMENTAL ORDER.

Upon further consideration of the record in the above entitled proceeding and of applicant's petition for a modification of the order entered herein;

It is hereby ordered, that the second paragraph of the order entered May 4, 1926, in the above entitled proceeding, be and it is hereby modified and amended to read as follows:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by applicant, Henrik Artur Troberg, an individual, of the gasoline motor boat *Frank Lawrence* for the transportation of hay between points on the Sacramento and San Joaquin rivers, San Francisco Bay and tributaries thereof not including local traffic between the city of San Francisco and the city of Petaluma; provided, however, that hay originating at points outside of San Francisco may be diverted from San Francisco to Petaluma upon the same vessel without unloading at San Francisco.

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It is hereby further ordered, that in all other respects the said order of May 4, 1926, shall remain in full force and effect.

Dated at San Francisco, California, this twentieth day of August, 1926.

DECISION No. 17253.

IN THE MATTER OF THE APPLICATION OF PIONEER TRUCK AND TRANSFER COMPANY OF LOS ANGELES, FOR THE RATIFICATION OF NOTES ISSUED TO MARY D. ZUCKER AND ANNA ZUCKER, AND A MORTGAGE GIVEN TO THE PACIFIC MUTUAL LIFE INSURANCE COMPANY OF CALIFORNIA.

Application No. 12982.

Decided August 23, 1926.

SECURITIES—NOTES—TO ISSUE—UNAUTHORIZED ISSUE.—Holding that $105,000 of notes issued without authorization of the Commission rendered said notes void, the Commission finds it can not ratify said notes, but authorizes the issuance of $105,000 of new notes in lieu thereof.

George S. Colburn, for Applicant.

BY THE COMMISSION.

OPINION.

Pioneer Truck and Transfer Company of Los Angeles asks the Commission to ratify the issue of notes in the aggregate sum of $105,000 and the execution of a mortgage to secure the payment of $80,000 of said notes.

Applicant is engaged in the drayage business between Los Angeles, San Pedro and Wilmington. It reports its assets and liabilities as of December 31, 1925, as follows:

Assets.

Plant and equipment	$393,168 98
Cash	41,172 34
Notes receivable	797 20
Accounts receivable	50,810 03
Materials and supplies	10,000 00
Prepayments	4,951 58
Discount on stock	337,690 25
Total assets	$838,590 38

Liabilities.

Capital stock	$500,000 00
Notes payable	126,448 80
Interest accrued	735 05
Accruals	3,615 86
Accounts payable	17,813 43
Other credit accounts	8,516 50
Reserve for depreciation	75,861 89
Surplus	105,598 85
Total liabilities	$838,590 38

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Its transportation revenues for 1925 are reported at $353,754.64, and its transportation expenses at $330,004.75, leaving net operating transportation revenue of $23,749.89.

The testimony shows that in 1909 applicant issued a $50,000 note to Mary D. Zucker in payment of land purchased from her. On November 15, 1922, the indebtedness was reduced to $25,000. On August 11, 1924, the balance due on the note was divided into three notes; two notes for the sum of $5,000 each being issued to Mary D. Zucker and one note for $15,000 to Anna Zucker. These notes are payable on August 11, 1928.

The testimony further shows that on October 30, 1922, applicant borrowed $80,000 from the Pacific Mutual Life Insurance Company of California and as an evidence of such loan issued to the insurance company its 6½ per cent note payable on August 11, 1927. It also executed two mortgages to secure the payment of the $80,000 note. The money obtained through the issue of the $80,000 note was used to purchase lot 9, lot 10, lot 11, lot 1 and part of Lots 2 and 3, lot 4, lot 5 and lot 6, in block 1 of Sanches tract. The amount expended for this property is reported at $44,200. It is of record that $25,000 obtained through the issue of the $80,000 note was used to pay in part the $50,000 note issued to Mary D. Zucker in 1909, $10,000 to pay a note held by the First National Bank of Los Angeles and $44,200 to acquire the aforementioned property. The property acquired through the issue of the notes referred to herein is being used by the company in its transportation and other business.

The Commission is asked to make an order ratifying the issue of the notes to which reference has been made. In our opinion the notes issued by applicant are void, and being void, the Commission can not ratify their issue. It occurs to us that applicants should cancel the notes to which reference has been made and issue new notes in lieu thereof.

ORDER.

Pioneer Truck and Transfer Company having applied to the Railroad Commission for an order ratifying the issue of certain notes, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that it cannot enter an order such as requested by applicant, but that applicant should be permitted to issue notes as herein authorized and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Pioneer Truck and Transfer Company be and it is hereby authorized to issue for the purpose of refunding indebtedness and acquiring the property referred to in the opinion which

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precedes this order, notes in the aggregate sum of $105,000, said notes to be issued in lieu of the notes to which reference is made in this application.

It is hereby further ordered, that Pioneer Truck and Transfer Company be and it is hereby authorized to execute mortgages substantially in the same form as the mortgages filed in this proceeding to secure the payment of the $80,000 note payable to the Pacific Mutual Life Insurance Company.

It is hereby further ordered, that the authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $105, and that applicant shall keep such record of the issue, sale and delivery of the notes herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-third day of August, 1926.

DECISION No. 17255.

IN THE MATTER OF THE APPLICATION OF C. E. DUCRET FOR AN ORDER GRANTING PERMISSION TO ESTABLISH AN INCREASE IN RATES FOR AUTOMOBILE TRANSPORTATION OF PASSENGERS BETWEEN THE CITY OF GILROY AND GILROY HOT SPRINGS, SANTA CLARA COUNTY, CALIFORNIA.

Application No. 12723.

Decided August 23, 1926.

RATES—AUTO STAGE—TO INCREASE.—One-way passenger fares between the city of Gilroy and Gilroy Hot Springs increased from $1.75 to $2.

C. E. Ducret, in propria persona.
W. E. MacDonald, for Gilroy Hot Springs.
F. S. Staniford, for Gilroy Chamber of Commerce.

BY THE COMMISSION.

OPINION.

This is an application filed by C. E. Ducret, operating under the fictitious name of the Gilroy Hot Springs Stage, as a common carrier of passengers, between the city of Gilroy and Gilroy Hot Springs, for authority under the provisions of Rule 11 of our General Order No. 51 to increase the one-way passenger fare between Gilroy and Gilroy Hot Springs from $1.75 to $2.

A public hearing was held before Examiner Geary at Gilroy August 19, 1926, and the application having been duly submitted is now ready for our opinion and order.

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The fare was originally published in Tariff No. 1, C. R. C. No. 1, effective September 12, 1922, and it is now alleged to be noncompensatory for the service rendered by reason of the fact that the passenger traffic secured is seasonal and confined principally to the period April 15 to October 31 of each year. There is no local business between Gilroy and the Springs, a distance of fourteen miles; the roads are unpaved and most difficult of operation.

Applicant claims, as evidenced by his annual report, an investment of $1,800 and shows that for the year 1925 a total revenue of $1,664.01, derived as follows:

From passenger business	$784 65
From mail business	814 36
From other sources	65 00

The operating expenses, including depreciation, are shown as $800.87, but no charges are included in these expenses for repairs to the equipment nor any compensation for applicant, who acts as driver of the vehicle. With a reasonable allowance for labor and repairs it is apparent the stage line was conducted at a loss during the year 1925. The round trip fare, now $3.25, will not be changed and because the service is seasonal and devoted to vacation travel the greater part of the revenue is secured from this round trip business. The proposed change in the one-way fare was supported by the witness for the Gilroy Hot Springs resort and for the Gilroy Chamber of Commerce. The latter organization, by letter dated May 14, 1926, advised the Commission as follows:

> The board of directors of the Gilroy Chamber of Commerce offer no objection to applicant's desire to increase the one-way fare to the Hot Springs from $1.75 to $2. In fact, they believe it a very reasonable request.

Under the circumstances and from all the facts before us, we are of the opinion and find as a fact that applicant should be authorized to publish a one-way passenger fare of $2 between Gilroy and Gilroy Hot Springs, which fare is found to be just and reasonable.

ORDER.

Application having been made to the Railroad Commission, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion whch precedes this order;

It is hereby ordered, that applicant, C. E. Ducret, doing business under the name of Gilroy Hot Springs Stage, be and he is hereby authorized to establish on ten days' notice to the Commission and to the public a one-way passenger fare of $2, applicable between Gilroy and Gilroy Hot Springs, which fare is found to be just and reasonable.

Dated at San Francisco, California, this twenty-third day of August, 1926.

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DECISION No. 17256.

IN THE MATTER OF THE APPLICATION OF LOS ANGELES GAS AND ELECTRIC CORPORATION FOR AN ORDER AUTHORIZING THE EXECUTION OF A MORTGAGE AND/OR DEED OF TRUST.

Application No. 13050.

Decided August 23, 1926.

SECURITIES—MORTGAGE—TO EXECUTE.—Application granted.

Paul Overton, for Applicant.

BY THE COMMISSION.

ORDER.

Los Angeles Gas and Electric Corporation in the above application, as amended at the hearing had before Examiner Fankhauser on August 2, asks permission to execute a mortgage and/or deed of trust substantially in the same form as the mortgage and/or deed of trust filed in this proceeding as applicant's Exhibit No. 3, as modified by its letter of August 17th.

In its original application applicant asked permission to issue $10,000,000 of bonds as well as to execute a mortgage and/or deed of trust. The request to issue bonds was withdrawn at the hearing.

Los Angeles Gas and Electric Corporation in its Exhibit "A" reports $31,373,900 of stock, divided into $18,873,900 of preferred and $12,500,000 of common stock outstanding. It also reports outstanding $45,660,500 of bonds divided into $38,138,500 of Los Angeles Gas and Electric Corporation general and refunding bonds, $5,047,000 of Los Angeles Gas and Electric Corporation first and refunding bonds, $1,993,000 of Los Angeles Gas and Electric Company bonds and $482,000 of The Los Angeles Electric Company bonds.

The general and refunding mortgage of Los Angeles Gas and Electric Corporation secures an authorized bond issue of $75,000,000. Of this amount, $38,138,500 are now outstanding. In addition there have been reserved $7,520,000 to pay or refund underlying bonds. Representatives of applicant are of the opinion that it should issue no more of its general and refunding bonds, except for sinking fund or refunding purposes.

The proposed mortgage and/or deed of trust will be executed by Los Angeles Lighting Company, as well as by Los Angeles Gas and Electric Corporation. It is of record that the Los Angeles Lighting Company holds the title to some real property on which Los Angeles Gas and Electric Corporation intends to construct an artificial gas plant. The proposed mortgage and/or deed of trust will be a first lien on the property owned by the Los Angeles Lighting company.

Exhibit No. 3 shows that the stockholders of Los Angeles Gas and Electric Corporation have authorized an increase of its bonded indebt-

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edness up to and including $150,000,000. The proposed mortgage and/or deed of trust provides such bonds may be issued in series from time to time as the board of directors may determine. It further provides that each series is to be dated as of such date, bear such rate of interest, mature at such time or times, bear such designation and contain such other specifications and provisions as are in the indenture provided or permitted and as the board of directors may from time to time determine.

Applicants ask permission to execute an open-end mortgage. It provides that the stockholders of Los Angeles Gas and Electric Corporation may from time to time authorize the creation of additional bonds, the payment of which may be secured by the same mortgage and/or deed of trust. The Commission has considered applicant's proposed mortgage and/or deed of trust and finds the same to be in satisfactory form and is of the opinion that this application should be granted as herein provided; therefore,

It is hereby ordered, that Los Angeles Gas and Electric Corporation and Los Angeles Lighting Company be and they are hereby authorized to execute a mortgage and/or deed of trust substantially in the same form as the mortgage and/or deed of trust submitted as applicant's Exhibit No. 3, as modified by Los Angeles Gas and Electric Corporation's letter of August 17th, provided that the authority herein granted to execute said mortgage and/or deed of trust is for the purpose of this proceeding only and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said mortgage and/or deed of trust as to such other legal requirements to which said mortgage and/or deed of trust may be subject.

It is hereby further ordered, that within thirty days after the execution of the mortgage and/or deed of trust referred to herein, applicant Los Angeles Gas and Electric Corporation shall file with the Railroad Commission two certified copies thereof.

Dated at San Francisco, California, this twenty-third day of August, 1926.

DECISION No. 17274.

F. J. COULTER, JOINT AGENT ON BEHALF OF CALIFORNIA TRANSIT COMPANY, MOTOR TRANSIT COMPANY, PICKWICK STAGES SYSTEM, BOYD AND MATTLY STAGE COMPANY, KERN COUNTY TRANSPORTATION CORPORATION, W. R. MILES STAGE LINES, UNITED STAGES, INCORPORATED,

vs.

YOSEMITE TRANSIT, YOSEMITE VALLEY RAILROAD COMPANY, YOSEMITE TRANSPORTATION SYSTEM, AND MADERA-YOSEMITE

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BIG TREE AUTO COMPANY, ALSO KNOWN AS YOSEMITE STAGE AND TURNPIKE COMPANY, ALSO KNOWN AS HORSESHOE ROUTE.

Case No. 2212.

Decided August 26, 1926.

RATES—AUTO STAGE—THROUGH FARES.—Through joint passenger fares between points on lines of applicants authorized.

Earl Bagby and *Warren Libby*, for Complainants.
F. W. Mielke, for Southern Pacific Company and Yosemite Valley Railroad Company.
P. F. Harding, for Yosemite Valley Railroad Company.
Brobeck, Phleger and Harrison, by *F. S. Richards*, for Yosemite Transportation System and Yosemite Park and Curry Company.
Platt Kent and *H. W. Beck*, for The Atchison, Topeka and Santa Fe Railway Company, Interveners.

BY THE COMMISSION.

OPINION.

By complaint filed February 10, 1926, it is alleged requests were made of each of defendants to join with complainants and establish through routes and joint passenger fares between points in California reached by complainants and points in the Yosemite Valley over the respective lines of complainants and defendants, and that each of said defendants has refused and does now refuse to consider the establishment of such joint fares. An order is sought of this Commission requiring, in the interest of public convenience and necessity, the establishment of the through routes and joint passenger fares between the parties complainants and defendants.

Public hearings were held before Examiner Geary at San Francisco May 27 and at Los Angeles June 18 and 19, 1926, and the case duly submitted to be briefed. The last brief having been received August 5, 1926, the proceeding is now ready for our opinion and order.

The Yosemite Transit, one of the defendants, was purchased by the California Transit Company subsequent to the filing of this complaint and may now be considered as a party complainant instead of a defendant. The record also shows that the Yosemite Transportation System and Madera-Yosemite Big Tree Auto Company, likewise known as Yosemite Stage and Turnpike Company and as the Horseshoe Route, was, subsequent to the filing of this complaint, purchased by the Yosemite Park and Curry Company, a corporation, hereinafter collectively referred to as the Yosemite Park and Curry Company (Decisions 15986 and 16256). These changes leave only the Yosemite Valley Railroad Company and the Yosemite Park and Curry Company as parties defendant. The Yosemite Park and Curry Company, while entering an appearance through its attorney, introduced no witnesses and, other than slight cross-examination, was a neutral party to the proceeding. The real and only defendant is the Yosemite Valley Railroad Company.

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The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company intervened in behalf of defendants, contending that neither public necessity nor convenience existed and that their revenues would be seriously interfered with if the joint fares between the auto stages were placed in effect.

Attorneys for defendant, Yosemite Valley Railroad Company, and for intervener, Southern Pacific Company, question this Commission's authority to order the establishment of through routes and joint passenger fares as between auto stage lines. They do not contend, however, that there is no authority for such an order when the joint fares are between common carrier rail lines and auto stages, the authority being contained in section 33 of the Public Utilities Act. This contention has been discussed in a number of proceedings (*Western Motor Transport Company,* 20 C. R. C. 1038; *Motor Transport Company,* 24 C. R. C. 93) and we have concluded there is ample authority under the different sections of the Auto Stage and Truck Transportation Act for joint fares and rates between auto stage common carriers. However, in the instant proceeding the defendant stage line, Yosemite Park and Curry Company, does not protest the joint fares, therefore there is no contest as between the carriers actually involved.

Complainants are engaged in the business of transporting passengers for compensation over the highways of the State of California and now have joint passenger fares between El Centro, Riverside, Colton, Los Angeles and other points in southern California on the one hand and Fresno, Merced, Stockton, San Francisco and the intermediate points on the other, as published in Joint Passenger Tariff, C. R. C. No. 8, issued by F. J. Coulter, agent, effective January 24, 1926.

The California Transit Company operates between Los Angeles and San Francisco-Sacramento via San Joaquin Valley through Fresno, Merced and Stockton. Pickwick Stages System operates between Yuma, Arizona, El Centro on the one hand via Los Angeles, and the Coast Route to San Francisco and points in northern California on the other, and also a line between Gilroy and Los Banos, connecting with the California Transit Company at Los Angeles, Los Banos and San Francisco. The W. R. Miles Stage Lines operate between Fresno and Huntington Lake, connecting with the California Transit Company at the former point; Boyd and Mattly Stage Company operates between Taft and Bakersfield, connecting with the California Transit Company at the latter point; Kern County Transportation Corporation operates between Taft and Bakersfield, connecting with the California Transit Company at the latter point; the Motor Transit Company operates between practically all points in Los Angeles County and connects with the California Transit Company at Los Angeles; United Stages,

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Inc., operate between Calexico, El Centro and Los Angeles, connecting with California Transit Company at Los Angeles.

Defendant Yosemite Valley Railroad Company operates a standard-gauge railroad between Merced and El Portal, a distance of 78 miles and at El Portal it connects with the stages of the Yosemite Park and Curry Company for points within the valley. Defendant Yosemite Park and Curry Company transports passengers via automobile between Fresno-Merced-Carl Inn, El Portal and the valley. The evidence submitted shows that the California Transit Company, the automobile line making direct connections at the above named junction points, maintains daily service in both directions, between Los Angeles and San Francisco-Sacramento through Fresno, Merced and Stockton. It also operates a service between San Francisco and Carl Inn via Stockton, and publishes joint fares with all of the other complainants.

The three principal routes into the Yosemite Valley are the northern via Carl Inn, the central through Merced, and the southern via Fresno and Mariposa Big Trees. At Carl Inn and at Fresno the connection is via the Yosemite Park and Curry Company only, while at Merced connection is made via both the Yosemite Valley Railroad and the Yosemite Park and Curry Company.

Witnesses for complainants testified they had received numerous demands from the traveling public for through routes and joint passenger fares via motor cars, a desire being expressed by the travelers for the opportunity to make a circuitous journey; that is, go into the valley over one route and return over another. Witnesses further testified that travelers making these requests were disappointed when informed they could not purchase tickets for the entire round trip and many refused to make the journey when advised of the necessity of purchasing separate tickets at junction points; also that a great many people taking vacations and using automobile stages desired to know at the commencement the transportation cost for the round trip.

The Yosemite Valley Railroad presented a number of exhibits dealing with the volume of traffic handled, the operating time tables and the advertising matter distributed by that company. The interveners, The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company presented thirty-two exhibits, consisting principally of tariffs, descriptive folders and train schedules. The testimony of these interveners indicated positively that large sums of money are expended annually in advertising the wonders of the Yosemite Valley and the kinds of rail service. In the year 1925 approximately 375,000 copies of folders and posters, printed in various colors and sizes, were distributed throughout the United States and foreign countries and this intensive advertising program resulted in an

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increased volume of passenger traffic into the valley, especially in connection with tourist travel from distant railroad points.

The evidence shows that for a great many years the Yosemite Valley Railroad Company has maintained joint passenger fares and direct rail connections with The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Company at Merced, which arrangement appears to be satisfactory to the traveling public. The record is devoid of proof that any demand or any public convenience and necessity exists for the establishment of through fares between the auto stage lines and defendant, Yosemite Valley Railroad Company.

We conclude and find that complainants have not presented any justification for an order requiring the sale of joint passenger fares between the stage lines and the Yosemite Valley Railroad, and therefore that part of the application seeking authority for the establishment of through routes and joint fares between the complaining auto stages and the Yosemite Valley Railroad Company, through Merced, is denied. It would seem to the Commission, however, that if further study by the interested parties makes evident the fact that the public desires to enter the valley by rail and return via auto stage, or vice versa, consideration should be given by them to voluntarily establish such joint transportation.

Complainants' proposed joint fares are lower than the combination of the local fares over the same route and there was submitted an exhibit for purposes of comparison, showing the volume of the one-way and round trip fares between important points. This record is not sufficiently comprehensive for us to discuss the reasonableness of the joint fares and complainants will be expected to publish reasonable fares not in excess of the combination of locals. Should they fail to perfect an adjustment the question of the volume of the fares and the division of the earnings may be referred to this Commission for its further consideration.

After careful consideration of all the testimony, exhibits and briefs we find as a fact that the present arrangement requiring passengers traveling by automobile stages into the Yosemite Valley to purchase separate tickets at the junction points has not afforded and does not afford adequate and satisfactory passenger service between Yosemite Valley and the points in California served by the automobile stages, parties to this proceeding.

We further find that through routes and joint passenger fares should be established, between the points set forth in the application, on the lines of the California Transit Company, Motor Transit Company, Pickwick Stages System, Boyd and Mattly Stage Company, Kern County Transportation Corporation, W. R. Miles Stage Line and

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United Stages, Inc., and the points within the Yosemite Valley and points intermediate thereto in connection with the Yosemite Park and Curry Company.

ORDER.

This case being at issue upon complaint and answer on file, having been duly heard and submitted by the interested parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which opinion is hereby referred to and made a part hereof;

It is hereby ordered, that through routes and joint passenger fares be established between points located on the stage lines of the California Transit Company, Motor Transit Company, Pickwick Stages System, Boyd and Mattly Stage Company, Kern County Transportation Corporation, W. R. Miles Stage Lines and United Stages, Inc., on the one hand, and on the other the Yosemite Park and Curry Company, to and from points in the Yosemite Valley and points intermediate thereto, as set forth in the exhibits, or in harmony with the exhibits attached to the application and made a part thereof.

It is hereby further ordered, that the complainants and defendants endeavor to agree upon the proper joint passenger fares and file with this Commission within thirty days from the date of this order a tariff setting forth the fares between the points involved, and that the parties hereto also seek to agree upon a proper division of the joint fares, but in the event such an agreement can not be reached this Commission will proceed to establish joint fares upon application of the parties and arrange for a division of the earnings, as provided by law.

It is hereby further ordered, that all of the other matters involved in the complaint in this proceeding be and the same are hereby dismissed.

Dated at San Francisco, California, this twenty-sixth day of August, 1926.

DECISION No. 17280.

IN THE MATTER OF THE APPLICATION OF BEVERLY GIBSON FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AN AUTO STAGE SERVICE FOR THE TRANSPORTATION OF PASSENGERS AND EXPRESS BETWEEN SACRAMENTO, SACRAMENTO COUNTY, AND OAKLAND, ALAMEDA COUNTY, AND INTERMEDIATE POINTS, VIA WALNUT GROVE, RIO VISTA, ANTIOCH, PITTSBURG; THROUGH WILLOW PASS TO CONCORD, WALNUT CREEK AND LAFAYETTE, OVER THE TUNNEL ROAD IN CONJUNCTION WITH THE REGULAR SERVICE NOW FURNISHED BY HIM BETWEEN SACRAMENTO AND CURTIS LANDING, AND INTERMEDIATE POINTS.

Application No. 10879.

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Decided August 27, 1926.

CERTIFICATE—AUTO STAGE—TO EXTEND.—Application granted.

Sanborn and Roehl and DeLancey C. Smith, by *A. B. Roehl*, for Applicant.
H. W. Hobbs, for Southern Pacific Company.
Earl A. Bagby, for California Transit Company.
Gwyn H. Baker, for Rio Vista Transit Company, Ward's Auto Stage and Contra Costa Transit Company.
John J. Goldberg and *Jesse H. Steinhart*, for San Francisco-Sacramento Railroad Company and Contra Costa Transit Company
A. B. Tinning, District Attorney of Contra Costa County.
Edward Stern, for American Railway Express Company.
Chas. A. Beck, for San Francisco-Sierra Motor Coach Lines.

BY THE COMMISSION.

OPINION.

In this proceeding Beverly Gibson originally sought permission for the establishment of an automotive stage service for the transportation of passengers and express between Sacramento and Oakland and intermediate points via Walnut Grove, Rio Vista, Antioch and Pittsburg; through Willow Pass to Concord, Walnut Creek, Lafayette and over the Tunnel road to Oakland, as an extension of his existing service between San Francisco and Curtis Landing and intermediate points. At the hearing the application was amended so as to substitute Bay Point for Oakland as the proposed terminal, and to eliminate through service between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, and all local business between Antioch, Pittsburg and Bay Point. Amended time schedules and tariffs were submitted to conform to the amendment to the application.

Public hearings were held before Examiner Austin at San Francisco, Antioch and Isleton, when evidence was introduced, the matter was submitted, and it is now ready for decision.

The granting of the application was protested by the Southern Pacific Company, California Transit Company, San Francisco-Sacramento Railroad Company, American Railway Express Company, Contra Costa County, San Francisco-Sierra Motor Coach Lines, Rio Vista Transit Company, Ward's Auto Stage, and Contra Costa Transit Company. Upon the amendment to the application, the protests of Southern Pacific Company and American Railway Express Company were withdrawn and San Francisco-Sacramento Railroad Company withdrew its protest except to the extent that it was interested in the protest of Contra Costa Transit Company.

At present, applicant is operating stage lines between San Francisco and Antioch Ferry (Curtis Landing), between Rio Vista and Suisun, and between Walnut Grove and Sacramento. His line to Sacramento traverses both sides of the Sacramento River between Courtland and Isleton, and now terminates at Curtis Landing, the Sherman Island

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bridge head. It is proposed to extend this line to Bay Point, via Antioch and Pittsburg, using the Sherman Island ferry until the completion of the bridge at this point. Connections will be established with the rail lines of the Southern Pacific, Santa Fe and San Francisco-Sacramento railroad companies at Antioch, and with the latter road at Bay Point, it being applicant's intention ultimately to establish joint through fares with one or more of these lines. At present, no public stage line operates across Sherman Island south of Rio Vista. The road across the island for a distance of about 12 miles, is not in good condition; at Three-Mile Slough a ferry transfer is necessary, as was also the case at Curtis Landing prior to the completion of the Victory highway bridge. A through service will be established, comprising two round trips daily; on one schedule, 32-passenger cars will be used, and on the other, 18-passenger cars. Since the capacity of the ferry at Three-Mile Slough is limited, it is possible that passengers may be required to transfer at this point from the larger stages to the 18-passenger cars. However, one schedule operated with the smaller cars will be conducted without any transfer. It appears that applicant has sufficient equipment to conduct the proposed service, and is financially able to purchase such additional cars as may be required.

Applicant testified that during the four years preceding this application he has investigated the possibilites of the proposed extension, has discussed the matter with numerous residents and business men upon his present proposed route, and has been in receipt of numerous inquiries at Isleton, Rio Vista and points north, along the Sacramento River. As a result he has concluded that sufficient traffic will be developed to justify the extension of the service.

Considerable testimony was introduced with respect to the present public transportation lines in this territory. A stage line is now operated by M. L. Isham, known as the Rio Vista Transit Company, between Isleton, Rio Vista and Rio Vista Junction, a point on the San Francisco-Sacramento Railroad, where passengers are transferred for points north and south of the junction. By this route Pittsburg is reached by a branch of the San Francisco-Sacramento Railroad, involving a transfer at West Pittsburg; at Pittsburg, a transfer is again made to E. H. Ward's stage line, operating between that point and Antioch. Bay Point is served directly by the San Francisco--Sacramento Railroad. The route between Antioch and Bay Point is served by the Southern Pacific and Santa Fe railroads, both passing through Pittsburg; also by the Ward stage line from Antioch to Pittsburg, thence over the branch and main lines of the San Francisco-Sacramento Railroad to Bay Point. Passengers originating at Sacramento River points along applicant's present route, such as Courtland and Walnut Grove, desiring to reach Antioch, Pittsburg or Bay Point, may use

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applicant's stage line to Rio Vista, transferring there to the Rio Vista Transit stage line, change once more at Rio Vista Junction to the train, and transfer at West Pittsburg for Pittsburg, and at the latter point to Antioch. Bay Point passengers make no further change after leaving Rio Vista Junction. At their option, such passengers may travel north to Sacramento over applicant's stage line, and there use other facilities, such as the Southern Pacific, the San Francisco-Sacramento Railroad, or the steamer lines on the Sacramento River. The steamer service, however, is neither expeditious nor dependable. Applicant testified that he had received frequent complaints from passengers because of the many transfers required. This situation has been aggravated by the lack of direct connections with the Rio Vista Transit line at Rio Vista, applicant stating that he had endeavored to secure such connections, but had been unsuccessful. Although applicant's Susuin route passes through Rio Vista and Rio Vista Junction, he has been unable to secure any substantial amount of traffic to points on the line of the San Francisco-Sacramento Railroad, due to the fact that the latter has published joint through fares with the Rio Vista Transit line lower than the combination of locals over applicant's line, and the railroad has declined to publish such through fares with applicant. Applicant's local one-way fare between Rio Vista and Rio Vista Junction is lower than Rio Vista Transit Company's one-way fare, but the latter has published a round-trip fare lower than the sum of applicant's local fares. This fare applicant has not met. Due to these facts applicant has been unable to participate in this traffic.

Considerable testimony was introduced relative to the proposed time schedules of applicant and of the Rio Vista Transit-San Francisco-Sacramento Railroad routes through Bay Point, Antioch and Pittsburg. Applicant's schedules vary in length, due to the necessity of making proper connections with the electric line at Bay Point. These is but little difference in the average running time shown on these schedules, the Isham-Railroad line having the advantage at Rio Vista, while from Isleton applicant's time is somewhat shorter.

Applicant stressed the need for the transportation of labor from Antioch, Pittsburg and Bay Point to canneries situated on Sherman Island and points north along his present route. Seven or eight canneries are now located in this territory, engaged in canning vegetables and employing a considerable number of men; for example: There are two canneries directly north of Isleton, one employing from 400 to 500 men during the canning season, and the other about 75; two canneries at Grand Island and another near Locke employ about 800 men; a pickle plant at Isleton employs from 75 to 100 men; and a cannery at Rio Vista employs from 300 to 500 men. These canneries operate through the spring and summer, and in some

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cases as late as October. About one-half of the labor employed originates at Stockton and Sacramento, where important labor agencies are located; some originates in Alameda and Santa Clara counties, and a substantial amount originates at Antioch, Pittsburg and Bay Point, where there is a surplus of labor of this character. Others come from Fresno and Hanford, who could conveniently transfer from the railroads to applicant's line at Antioch, where they can be transported directly across the river to Sherman Island. While the record does not indicate the exact proportion of this labor originating at Antioch, Pittsburg and Bay Point, it is apparent that a fair proportion of the cannery employees come from this territory. One witness testified that these passengers carry a considerable amount of baggage, and therefore find transfers a considerable inconvenience. Testimony was offered by representatives of some of the canneries to the effect that the proposed line would be of great convenience in opening up this labor market.

From the testimony of farmers engaged in raising asparagus, spinach and other vegetables on Sherman and Twitchell islands and along applicant's present route, it appears that the labor necessary to carry on their farming operations originates at San Francisco Bay points, Santa Clara County, Stockton, Sacramento and Contra Costa County points, including Antioch, Pittsburg and Bay Point. As the area under cultivation is large, a substantial number of men are employed. Direct transportation is desired, transfers en route being inconvenient and undesirable because of the possibility of their being diverted to other places by some of the labor agencies. The record shows that a large proportion of these men originate at or pass through Antioch, Bay Point and Pittsburg, and would use a stage service such as that proposed.

Residents of upper-river points, such as Walnut Grove and Courtland, testified to the need of a through stage service which would obviate inconvenient transfers, and stated that this need had become more acute with the impending discontinuance of local passenger service along the river by California Transportation Company.

The secretary of the Isleton Chamber of Commerce testified that a direct service from such river points as Isleton and Walnut Grove to Antioch is necessary, due to the inconvenient transfers involved in the present srevice, there being four en route to Antioch, three to Pittsburg and two to Bay Point. The travel to the latter points is less than to the Bay district, which, in his judgment, is now adequately served. Other witnesses stated that the continuation of applicant's line to Antioch alone would not be satisfactory, because of the inconvenience of transferring passengers bound to or originating at Pittsburg or Bay Point.

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Applicant proposes to handle express under a weight limit of 50 pounds per package. He testified that he has received daily requests for the handling of such packages to and from points on Sherman Island, and also to Antioch, Bay Point and Pittsburg. One witness, who conducts a garage at Isleton, testified that occasionally there was a demand for handling emergency automobile repair parts from Bay Point; and another witness engaged in conducting a store at Isleton, stated that there was a demand for handling packages to Sherman Island as frequently as three or four times a week. The general manager of the California Pickle Growers Association of Isleton testified that such a service would be used during the planting season for handling small packages of seed, thus obviating the need for the association using its own cars for this purpose. The superintendent of the Bay Side Canning Company at Isleton stated that such a service would be used occasionally for handling parts of tractors and implements, and also by their employees for handling small packages purchased when shopping. A rancher on Sherman Island testified that his tenants would use such a service for handling packages between Bay Point, Antioch and the island. Due to the amendment to the application, eliminating through service from Sacramento itself, and local service between Antioch, Pittsburg and Bay Point, the American Railway Express Company withdrew its protest.

The Rio Vista Transit Company, in support of its protest, introduced evidence showing the nature of its service, the results of its operations, and the injury resulting from competition should the application be granted. This line, which is conducted by M. L. Isham, operates between Isleton, Rio Vista and Rio Vista Junction, where direct connection is made with the trains of the San Francisco-Sacramento Railroad. Six schedules daily are operated, only three of which are extended beyond Rio Vista to Isleton. No local service is conducted between Rio Vista and Isleton. This stage line does not connect with the applicant's schedules because of the necessity of making close connections with the trains. Mr. Isham testified that he suggested to Mr. Gibson that the latter rearrange his schedules so as to connect with protestant's lines, but nothing came of these negotiations. Gibson testified in rebuttal that when Isham applied for an extension of his service from Rio Vista to Isleton, Gibson offered to make connection with the Rio Vista Transit schedule, provided the latter should withdraw its application, but this effort too failed of consummaton.

Mr. Isham testified that his investment in this service was approximately $30,000, and that he was financially able to provide additional equipment if needed. He has published joint through fares with the San Francisco-Sacramento Railroad between Rio Vista and Isleton and San Francisco, Oakland, Sacramento and Pittsburg. He stated

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that the extension to Isleton had proved unprofitable and must be discontinued should any of the traffic be diverted, and should he meet with any serious competition it is possible that the service from Rio Vista will be decreased from six to three round trips daily. At present, he testified, he is handling cannery workers from Pittsburg, none of whom have complained of the transfer at Rio Vista Junction.

Exhibits were introduced showing the passengers carried during 1924 and during the first three months of 1925, which indicate that the majority of the traffic originates at or is destined to San Francisco Bay Points, only a small proportion traveling to or from Pittsburg. No figures are available as to Antioch and Bay Point. However, the local passengers handled over protestant's line, including those traveling to and from these points, comprised but a small fraction of the total handled. These exhibits also show that this protestant carried far less than the capacity of his stages and at all times had seat space available.

Mr. E. H. Ward, who was called on behalf of Rio Vista Transit Company, testified that he is now conducting a stage between Pittsburg and Antioch, serving the industrial district between these towns, and has filed an application (No. 10970) to extend this line to Bridgehead for the purpose of connecting with Gibson's line at its present terminal. This, he stated, in connection with the service proposed in Application No. 10958 by Contra Costa Transit Company to operate a stage service from Byron and Brentwood to Martinez via Bridgehead, Antioch, Bay Point and Pittsburg would afford adequate service to the towns proposed to be served by applicant, and in addition would provide for a direct and through stage service between points in eastern and western Contra Costa County. A stage line now operates between Bay Point and Martinez, and if Gibson's line were extended to Bay Point via Antioch and Pittsburg, connection could be made with the latter at Bridgehead by the Brentwood-Byron line. The witness, however, stated that such a service would not pay as the line would be too short and in addition numerous transfers would be required.

On behalf of protestant, Contra Costa County, Messrs. W. J. Buchanan and R. J. Trembath, two of the county supervisors, testified with respect to the effect of the duplication of stage lines upon the county highways. In general, it may be said that they were not opposed to such stage lines for which public convenience and necessity could be shown, but they objected to the existence of parallel lines resulting in a duplication of service which could be avoided by limiting the certificates to one line. Their objection was based upon the inconvenience and hazard suffered by the public due to the presence of unnecessary stages upon the highways.

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Upon reviewing the long record in this case, we are convinced that a need has been shown for the extension of applicant's service from his present terminal at Curtis Landing to points across the Sacramento River. It has been shown that the territory on Sherman Island can now be reached only by a circuitous route involving many transfers and in part requiring the use of private conveyances. This territory is entitled to a public carrier service which will enable its residents to obtain access to points in eastern Contra Costa County. The record also shows that residents of upper-river points upon applicant's line are also in need of a direct through service to this territory. It is contended by the Rio Vista Transit Company, the principal protestant, that in any event no extension should be granted beyond Antioch. However, the evidence indicates a need for transportation facilities to Pittsburg and Bay Point as well in order to open up this territory and provide means of transportation for those desiring a direct means of communication to Sherman Island and upper-river points. Because of this fact, we believe that the patrons of this stage line should not be put to the inconvenience of a transfer at Antioch.

The record shows that the service between Isleton, Rio Vista and San Francisco Bay points is now adequate. Inasmuch as the greater portion of the traffic now handled by the Rio Vista Transit Company is destined to or originates at San Francisco, Oakland and Sacramento, we believe that the extension granted will not affect, to any great extent, the revenues of this carrier. For the present, at least, the Rio Vista Transit Company appears to be in a position to control this traffic because of the joint through fares now in effect via Rio Vista Junction, while on the other hand applicant will be obliged to operate under a combination of the local fares applicable to the transportation of passengers transferring at Bay Point from points on his line to points on the electric railroad. In any event, the effect of such competition, if it should develop, is overcome by the public need shown for through transportation to Bay Point.

A certificate will, therefore, be granted in conformity to the amended application, which excludes through service to and from Sacramento itself, as well as local service between Antioch, Rio Vista and Bay Point.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the establishment and operation by Beverly Gibson of an automotive stage service for the transportation of passengers and express between Curtis Landing and Bay Point via Antioch and Pittsburg, as an extension and an integral part of said Beverly Gibson's present stage service between Sacramento and Curtis Landing, and intermediate points; provided,

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(1) That no passengers nor express shall be transported between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, nor transported locally between Antioch, Pittsburg and Bay Point, or any of said towns; and

(2) That all shipments of express shall be limited in weight to fifty pounds per package.

An order will be entered accordingly.

ORDER.

Public hearings having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the finding of fact which appears in the opinion preceding this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the establishment and operation by Beverly Gibson of an automotive stage service for the transportation of passengers and express between Curtis Landing and Bay Point via Antioch and Pittsburg, as an extension of and as an integral part of said Beverly Gibson's present stage service between Sacramento and Curtis Landing, and intermediate points; provided,

(1) That no passengers nor express shall be transported between Sacramento on the one hand, and Antioch, Pittsburg and Bay Point on the other hand, nor transported locally between Antioch, Pittsburg and Bay Point, or any of said towns; and

(2) That all shipments of express shall be limited in weight to fifty pounds per package.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to said Beverly Gibson for the establishment and operation of the service hereinabove described, subject to the conditions hereinafter set forth:

1. Applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed ten days from the date hereof; shall file, in duplicate, tariff of rates and time schedules in a form satisfactory to the Commission within a period of not to exceed twenty days from date hereof; and shall commence the operation of the service herein authorized within a period of not to exceed thirty days from the date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

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For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twenty-seventh day of August, 1926.

DECISION No. 17288.

IN THE MATTER OF THE APPLICATION OF F. J. COULTER AS AGENT FOR THE CALIFORNIA TRANSIT COMPANY, A CORPORATION, AND SEQUOIA NATIONAL PARK STAGE COMPANY, A COPARTNERSHIP, FOR AUTHORITY TO PUBLISH THROUGH JOINT ROUTES AND JOINT FARES.

Application No. 12916.

Decided August 27, 1926.

RATES—AUTO STAGES—THROUGH JOINT FARES.—Application granted.

Earl A. Bagby, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by F. J. Coulter, on behalf of the California Transit Company, a corporation, and Sequoia National Park Stage Company, á copartnership, seeking authority to establish joint one-way and round trip passenger fares, as specifically set forth in Exhibit "A" and as amended, of the application, between San Francisco, Oakland, San Jose, Tracy, Sacramento, Stockton, Fresno, Bakersfield, Los Angeles and intermediate points, served by the California Transit Company on the one hand and on the other Lemon Cove, Mineral King and intermediate points served by the Sequoia National Park Stage Company.

A public hearing was held before Examiner Geary at San Francisco August 20, 1926, and the application having been duly submitted is now ready for our opinion and order.

The proposed fares as set forth in the application and as amended are based principally on a full combination of the local fares of the two companies. The Sequoia National Park Stage Company connects with the California Transit Company at Visalia and Exeter and its line extends to points within the Sequoia National Park.

Witnesses for applicants testified that during the summer months there is a heavy volume of travel into the National Park resorts; that a continual demand has been made for joint tickets and the establishment of a through route between these carriers, and that the sale of through transportation would be to the decided advantage of the traveling public.

It is not proposed to change in any manner the physical operation of the auto busses, and passengers will be transferred at the junction

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points as at the present time. The joint fares will meet a public convenience by eliminating the necessity of purchasing separate tickets.

No one appeared in opposition to the granting of the petition.

Upon consideration of all the facts of record we are of the opinion there is a public necessity for the establishment of a through route and the publication of joint fares, such fares to be reasonable and not in excess of the combination of the local fares, and that the application should be granted.

ORDER.

A public hearing having been held in the above entitled proceeding, evidence having been submitted by the applicants and the Commission being fully advised:

The Railroad Commission of the State of California hereby declares that there is a necessity for the establishment of a through route and for the publication of joint one-way and round trip passenger fares as set forth in amended Exhibit "A" of the application, between San Francisco, Oakland, San Jose, Tracy, Sacramento, Stockton, Fresno, Bakersfield, Los Angeles and intermediate points served by the California Transit Company on the one hand and on the other Lemon Cove, Mineral King and intermediate points served by the Sequoia National Park Stage Company.

It is hereby ordered, that applicants, California Transit Company, a corporation, and Sequoia National Park Stage Company, a copartnership, be and they hereby are authorized to publish and file tariffs setting forth the joint fares to be assessed over this through route.

Dated at San Francisco, California, this twenty-seventh day of August, 1926.

DECISION No. 17290.

IN THE MATTER OF THE APPLICATION OF CATHEDRAL CITY WATER COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PERMITTING THE ESTABLISHMENT OF APPLICANT AS A PUBLIC UTILITY WATER COMPANY ON THE EAST HALF OF SECTION THIRTY-THREE, TOWNSHIP FOUR SOUTH, RANGE FIVE EAST, SAN BERNARDINO MERIDIAN, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND FOR THE ISSUANCE OF STOCK TO THE INCORPORATORS.

Application No. 12988.

Decided August 27, 1926.

CERTIFICATE—WATER UTILITY—RATES—TO ESTABLISH.—Certificate granted. Rates established.

LeRoy M. Edwards, by *O. C. Sattinger,* for Applicant.

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BY THE COMMISSION.

OPINION.

In the above entitled matter Cathedral City Water Company asks the Railroad Commission for a certificate of public convenience and necessity and for permission to issue stock.

A public hearing in the matter was held before Examiner Williams in Palm Springs, but no one appeared in protest to the granting of the company's requests.

The record shows that Cathedral City Water Company was organized on or about April 26, 1926, for the purpose, primarily, of engaging in business as a public utility water company in that portion of Riverside County known as Cathedral City and located in the following region:

> The east half (E½) of section thirty-three (33), township four (4) south, range five (5) east, S. B. B. and M., County of Riverside, State of California.

It appears that this district is now being subdivided by Cathedral City Development Company and that the stockholders of that company have caused the organization of applicant to operate as a public utility water company for the reason that it is necessary to furnish water to the purchasers of lots and there appears to be no other water company in or near the vicinity of the property from which water could be purchased.

The application shows that applicant's incorporators, M. V. Van Fleet, John J. Grove, George G. Allen and G. V. Plumley, heretofore have developed certain water on the property and have laid approximately 1500 feet of four-inch water mains and approximately two miles of two-inch lateral water mains. One well has been sunk, which is capable of producing twenty miner's inches of water, and a pump system has been installed consisting of a gasoline motor and a Wesco and Chippewa pressure system. The amount of money actually expended by the incorporators to date is reported at $11,584.77, as shown in some detail in Exhibit "2."

It is now proposed to transfer the water system to applicant, free and clear of all indebtedness, for $10,000 of stock, and to distribute such stock equally among the four incorporators. In this connection it is recited, in the application, that it is the intention and purpose of such persons to retain the ownership of the stock and not to part with it to the general public. In fact, it was stipulated at the hearing that if the issue of the $10,000 of stock is authorized, as requested, no sales will be made to the public by the incorporators without supplementary permission from the Commission.

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Upon acquiring the properties applicant proposes to charge the following rates:

Monthly minimum of 400 cubic feet or less	$1 25
From 400 to 1000 cubic feet, per 100 cubic feet	25
From 1000 to 5000 cubic feet, per 100 cubic feet	20
All in excess of 5000 cubic feet, per 100 cubic feet	15

At present the system has about ten consumers. At the rates proposed, the return in all probability will not take care of the operating costs at the outset. However, applicant is undertaking the business to aid in the sale of real estate and it has stated that it expects to sustain losses pending full development of the tract.

It appears to us that public convenience and necessity will be served by the granting of this application and a favorable order accordingly will be entered.

ORDER.

Cathedral City Water Company having made application to the Railroad Commission for a certificate of public convenience and necessity and for an order authorizing the issue of $10,000 of stock, a public hearing having been held, and the Railroad Commission being of the opinion that the application should be granted as herein provided, and that the money, property or labor to be procured or paid for through the issue of the stock is reasonably required for the purpose specified herein and that the expenditures for such purpose are not in whole or in part reasonably chargeable to operating expense or to income:

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require and will require that Cathedral City Water Company, a corporation, acquire and operate a water system for the purpose of supplying water for domestic purposes in the following district:

> The east half (E½) of section thirty-three (33), township four (4) south, range five (5) east, S. B. B. and M., County of Riverside, State of California.

It is hereby ordered, that Cathedral City Water Company be and it hereby is directed to file with the Railroad Commission of the State of California, within twenty days from the date of this order, the following schedule of rates to be charged for all service rendered subsequent to August 31, 1925:

Monthly minimum of 400 cubic feet or less	$1 25
From 400 to 1000 cubic feet, per 100 cubic feet	25
From 1000 to 5000 cubic feet, per 100 cubic feet	20
All in excess of 5000 cubic feet, per 100 cubic feet	15

It is hereby further ordered, that Cathedral City Water Company be and it hereby is directed to file with the Railroad Commission, within thirty days from the date of this order, rules and regulations govern-

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ing the distribution of water to consumers, such rules and regulations to become effective upon their acceptance by this Commission.

It is hereby further ordered, that Cathedral City Water Company be and it hereby is authorized to issue at not less than par, on or before December 31, 1926, not exceeding $10,000 of its common capital stock in full payment for the water system and properties described in Exhibit No. 2, filed in this proceeding and referred to in the foregoing opinion, said stock to be issued to the following named persons and in the following amounts:

Name	*Number of shares*	*Amount*
M. V. Van Fleet	25	$2,500 00
John J. Grove	25	2,500 00
George G. Allen	25	2,500 00
G. V. Plumley	25	2,500 00

The authority herein granted is subject to the following conditions:

1. Cathedral City Water Company shall file with this Commission a certified copy of the deed under which it acquires and holds title to the water system and properties to be acquired through the issue of the stock herein authorized, such certified copy to be filed within thirty days after execution.

2. None of the purchasers of the stock herein authorized to be issued may sell or hypothecate the same, except to one or more of the incorporators of applicant, without permission from the Commission.

3. Applicant shall keep such record of the issue and delivery of the stock herein authorized as will enable it to file within thirty days after such issue a verified report, as required by this Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this twenty-seventh day of August, 1926.

DECISION No. 17292.

IN THE MATTER OF THE APPLICATION OF J. A. GRAVES, WILLIAM H. BEAN, EUGENE E. BEAN, ANN E. LEHMICKE, MARY ELLA MURRAY AND EARLE MYRTLE BEAN (FORMERLY EARLE MYRTLE RACHAEL) TO HAVE CERTAIN PROPERTY RELIEVED FROM THE CHARACTER OF PUBLIC UTILITY PROPERTY.

Application No. 12989.

Decided August 27, 1926.

ABANDONMENT—WATER UTILITY—PUBLIC UTILITY OBLIGATIONS.—Lot 16 of Tract No. 34, Los Angeles County, relieved of public utility obligations.

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O'Melveny, Millikin, Tuller and MacNeil, by *William Clary*, for Applicants.

BY THE COMMISSION.

ORDER.

The Railroad Commission is asked to enter its order relieving lot 16 of Tract No. 34 as per map recorded in map book 13, pages 190 and 191, records of Los Angeles County, California, from its public utility uses. In Decision No. 3161, dated March 14, 1916 (Vol. 9, Opinions and Orders of the Railroad Commission of California, page 338), the Commission found that lot 16 of Tract No. 34 was necessary for the operation of the water system owned by J. A. Graves and Jacob Bean. At the time of said decision and for some time subsequent thereto there was a water well on said lot known as the Los Robles well. The pump house for this well was located immediately joining the sidewalk of Los Robles avenue, Pasadena. Subsequently the water level of the well declined and because of the fact that the casing had collapsed, it was found impractical to lower the pump. Thereafter an agreement was entered into between the city of Pasadena and applicants, whereby applicants were permitted to drill a well on lot 51 of Tract No. 34. A sixteen-inch well was drilled on said lot and a pump installed. It is of record that this well is producing water in a highly satisfactory manner and quantity and that it is not necessary for applicants to drill a well and install a pump on lot 16.

Applicants propose to sell lot 16 if the same is relieved from its public utility uses. If the lot is sold the deed conveying title to said lot will contain a clause reserving to applicants and their successors in interest the underground water in and under lot 16 in so far as the same can be taken from said lot by means of wells heretofore or hereafter drilled by applicants on lands other than said lot. The record shows that the deed will also contain a condition subsequent to the effect that no well or wells shall be drilled on said lot 16 by the grantee or the successors in interest of the grantee and a further condition subsequent to the effect that no cesspool or privy vault shall be dug or sunk upon any portion of said lot 16 and that all of the buildings whether dwelling houses, outhouses, garages or stables erected at any time on said lot 16 together with the washing racks and washing facilities, and drainage from any such stable or garage shall at all times be connected with the outfall sewer in the public street upon which said lot fronts.

At the hearing had before Examiner Fankhauser on August 16 no one protested the granting of the application. The city of Pasadena through its assistant city attorney advises the Commission that it has no objection to the granting of the application.

The Commission has considered the request of applicants in this proceeding and believes that the same should be granted; therefore,

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It is hereby ordered, that lot 16 of Tract No. 34 referred to in this application be and it is hereby relieved and discharged from all public utility uses and burdens, provided that in any conveyance by applicants or any of them in said lot to any third person there be inserted in the conveyance reservations and conditions subsequent substantially in the same form as set forth in this application.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twenty-seventh day of August, 1926.

DECISION No. 17303.

JAMES A. GUNN, JR., AND LAKE COUNTY WATER AND POWER COMPANY, A CORPORATION,

vs.

PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, AND CALIFORNIA TELEPHONE AND LIGHT COMPANY, A CORPORATION.

Case No. 2219.

Decided September 3, 1926.

RATES—ELECTRIC UTILITY—WHOLESALE.—Complaint asking a reduction of the wholesale rate to complainants to one cent per kilowatt hour, denied.

BY THE COMMISSION.

OPINION.

The complainants in this case pray for an order of the Commission establishing a rate of not higher than one cent per kilowatt hour to be charged complainants by defendants from and after September 13, 1923. Since this case is the continuance of an informal complaint of the same nature, it is pertinent to give a brief history of the informal complaint and certain other related matters.

Considerable informal complaint has been made from time to time to this Commission concerning the electric service and dangerous condition of electrical system formerly owned by James A. Gunn, Jr., and now conducted by Lake County Water and Power Company, a corporation, which has succeeded to all of Gunn's rights and interest in such properties. This company operates in Lake County, principally in and around Kelseyville, and has a hydro-electric generating plant approximately nine miles south of Kelseyville. This at the present time is not being operated and energy is purchased from the California Telephone and Light Company by a transformer interconnection between the lines of both properties at Kelseyville where the California Telephone and Light Company is also serving.

During the early part of 1922 the engineering department of the Commission made an investigation of the service and physical con-

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dition of the property of James A. Gunn, Jr., and as a result of its findings suggested that he secure standby service from the California Telephone and Light Company in order to provide more continuous service for there were numerous interruptions to service as a result of flume trouble, line failures and lack of water during certain periods of the year. This interconnection was installed about September 1, 1922, and a special rate was worked out by the Commission for this standby service. Approximately a year later, at the request of Mr. Gunn, the California Telephone and Light Company installed additional standby capacity. The Commission's engineering department on learning that Mr. Gunn was purchasing considerable energy from the California Telephone and Light Company made an investigation of the rates and advised Mr. Gunn that if any considerable quantity of energy was to be purchased it would be more advantageous to do so under the standard schedule P-1 of the California Telephone and Light Company rather than under the special rate heretofore mentioned.

On March 26, 1925, file number I. C. 31833, Mr. Gunn wrote to the Commission protesting that the rate charged by the California Light and Power Company was too high. Subsequently, at the suggestion of the Commission, the California Telephone and Light Company computed Mr. Gunn's bills for energy under the standard power schedule P-1 and in September, 1925, made an adjustment back to April 1, 1924, the effective date of the schedule. As this adjustment was not satisfactory to Mr. Gunn, he filed the present formal complaint on February 24, 1926.

A public hearing was held on this matter before Examiner Austin in San Francisco on April 30 and May 1, 1926, and the case having been duly submitted, is now ready for decision.

It appears that complainants in this proceeding joined Pacific Gas and Electric Company with California Telephone and Light Company as a defendant, alleging that Pacific Gas and Electric Company owned the electric property and business of California Telephone and Light Company and has waged competitive war against complainants. Counsel for Pacific Gas and Electric Company moved that the complaint be dismissed as to Pacific Gas and Electric Company for the reason that it is not engaged in supplying electric energy in Lake County as a public utility and does not now nor has it at any time supplied the complainants with electric energy.

The evidence shows that Pacific Gas and Electric Company owns a majority of the issued capital stock of California Telephone and Light Company but it is not operating the system of the latter company. The California Telephone and Light Company operates its system, keeps separate corporate accounts, and files separate reports

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with the Commission. The Pacific Gas and Electric Company does not now and never did supply the defendants with electric energy. It is clear that Pacific Gas and Electric Company is not a proper party defendant to this proceeding and that the complaint should be dismissed as to it. This leaves the California Telephone and Light Company as the sole defendant in the proceeding.

The record shows that California Telephone and Light Company sells energy to James A. Gunn, Jr., now succeeded by Lake County Water and Power Company although the account is still carried under the name of James A. Gunn, Jr. The energy sold to defendants is purchased by California Telephone and Light Company from Snow Mountain Water and Power Company at approximately 60,000 volts at Hopland substation. Here it is transformed to 11,000 volts and transmitted approximately 27 miles to Kelseyville where it is again stepped down, this time to 2300 volts, the delivery voltage required by complainants. The rate paid by California Telephone and Light Company to Snow Mountain Water and Power Company is one cent per kilowatt hour measured at the high potential side of the transformers. To this must be added proportionately, in order to arrive at the cost of energy delivered at Kelseyville, maintenance expense, operating expense, taxes, depreciation and an allowance made for transformation losses at Hopland and Kelseyville and line losses between these points as well as a fair return on the investment in the property necessary for delivery of the energy.

It is apparent that complainants have ignored these essential elements of cost for in making comparisons of the rates charged by other companies, they have not considered transformation or line losses since they cite as examples of more favorable rates, cases where the energy is measured on the high potential side of the transformers, and fail to take into further consideration that in their own case they are purchasing energy from a company which, in addition to being required to purchase energy from another company, is also compelled to transform and transmit the energy for a considerable number of miles. Nor have complainants considered the value of load factor or the economic advantages of purchases of large blocks of power since their comparisons relate either to companies having a much better load factor or to companies purchasing considerably larger quantities of power than complainants.

The evidence further shows that for the last nineteen months an average rate of 1.93 cents per kilowatt hour was charged complainants and that the load factor was as low as 6 to 10 per cent for some months. This it may be noted is a very poor load factor and it is apparent that were a better load factor developed, a lower average rate would result. It is quite evident that the complainants' prayer for a rate of

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not to exceed one cent per kilowatt hour is unreasonable. The rate paid we find reasonable for the service rendered.

Complainants introduced testimony in support of their claim for reparation and the matter was argued at length. In view of our conclusions respecting the reasonableness of the rates, it is not necessary to consider the subject of reparation. The complaint will be dismissed, and an order will be entered accordingly.

ORDER.

James A. Gunn, Jr., and Lake County Water and Power Company, a corporation, having filed complaint with this Commission against Pacific Gas and Electric Company and California Telephone and Light Company, alleging excessive, unjust and discriminatory rates and having asked this Commission to establish a rate of not higher than one cent per kilowatt hour from and after September 1, 1923, and a regular hearing having been had, and the Commission being fully apprised in the premises;

It is hereby ordered, that the complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this third day of September, 1926.

DECISION No. 17308.

IN THE MATTER OF THE APPLICATION OF PENINSULA WATER COMPANY FOR AUTHORITY TO INCREASE RATES FOR WATER SERVICE IN SAN MATEO PARK AND IN SAN MATEO HOMESTEAD TRACT.

Application No. 12578.

Decided September 3, 1926.

RATES—WATER UTILITY—TO INCREASE.—Meter rates applying to remainder of the utility's system authorized in territory involved.

Ross and Ross, by *H. C. Ross,* for Applicant.
J. E. McCurdy, City Attorney, for the City of San Mateo.

BY THE COMMISSION.

OPINION.

The Peninsula Water Company, a corporation, applicant herein, is engaged in the public utility business of furnishing water for domestic, commercial and industrial purposes to consumers in and about the city of San Mateo, in San Mateo County. The application alleges in effect that San Mateo Park is a residential section of the city of San Mateo, and by reason of its location on higher ground than other territory served by applicant, has been supplied almost entirely by water from a different source, namely, by water purchased from the Spring Valley Water Company; that applicant acquired the water system serving San Mateo Park by purchase from Baldwin and Howell on May 31, 1924; and that applicant has at great expense installed many

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improvements on this system. It is further alleged that applicant has recently completed the installation of new water mains throughout San Mateo Homestead tract, located immediately outside of the corporate limits of the city of San Mateo; that this system is separate from the Peninsula Water Company's main service area and that it is necessary to purchase water from the said Spring Valley Water Company in order to serve this community by reason of its greater elevation; and that because applicant pays to said Spring Valley Water Company for purchased water a rate higher than the established rate which applicant is authorized to charge its own consumers, the operations of the said San Mateo Park and San Mateo Homestead tract systems are therefore being conducted at a great financial loss. The Commission therefore is requested to fix an increased rate for this service such as will yield to applicant a fair return upon its investment over and above the costs of operation and depreciation.

Public hearings in the above entitled proceeding were held before Examiner Austin at San Mateo and in San Francisco after all interested parties had been duly notified and given an opportunity to appear and be heard.

The rates for water service now charged on the Peninsula Water Company's main system and on the San Mateo Homestead tract were established by this Commission in 1921 by Decisions No. 9695 and No. 9773 and are as follows:

FLAT RATES.

Domestic	$1 50 per month
Large stores	1 00 per month
Small stores	50 per month
Offices	50 per month
Each barrel of lime or cement	10 per month
Each thousand brick	10 per month

METER RATES.

Readiness-to-serve charge to apply to all metered services:

⅝- and ¾-inch meters	$0 50 per month
1-inch meters	1 25 per month
2-inch meters	3 00 per month
3-inch meters	4 50 per month
4-inch meters	6 00 per month

Quantity rates, to apply to all water used:

From 0 to 3000 cubic feet, per 100 cubic feet	25 per month
Over 3000 cubic feet, per 100 cubic feet	22 per month
Fire hydrants, owned by city, each	1 00 per month
Fire hydrants, owned by utility, each	1 50 per month

The quantity charge shall be in addition to the readiness-to-serve charge.

The rates now charged for water service in San Mateo Park are those charged by the former owners, Baldwin and Howell, and are as follows:

Minimum monthly charge	$1 00
For all water used, per 100 cubic feet per month	225
Fire hydrants owned by utility, per month	1 00
Fire hydrants, owned by city, per month	50

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The Peninsula Water Company was authorized to acquire the San Mateo Park system from the former owners, Baldwin and Howell, by this Commission's Decision No. 13634, dated May 31, 1924. The water mains were installed primarily to aid in the sale of subdivided real estate, the principal business of the former owners. The acquisition of this water system was strongly urged upon applicant herein because of the poor service formerly rendered. Service conditions have been vastly improved since the installation by the company in 1925 of approximately 19,492 feet of mains, which in general parallel the former pipe lines laid in 1902 and 1905, and are connected to them, service connections being taken off both the old and the new mains.

The water supply to this tract is obtained principally by purchase from the Spring Valley Water Company, and is augmented by water obtained from one well located within the area, delivery being made by means of booster pump equipment. The average number of consumers served on this system is 457.

A report was presented at the hearing by C. I. Rhodes, of the Chester H. Loveland Engineers, representing applicant, in which the original cost of the San Mateo Park water system was estimated to be $98,791 as of December 31, 1925: the depreciation annuity $1,439, computed by the sinking fund method at 5 per cent, and the operating expenses estimated to be $28,060 for the future.

A report was presented by D. H. Harroun, one of the Commission's hydraulic engineers, in which the original cost of the San Mateo Park system was estimated to be $102,405 as of December 31, 1925, with a corresponding depreciation annuity of $868, computed by the 5 per cent sinking fund method. In this report the Commission's engineer set out that the above figures are subject to deductions of $4,000 from capital investment by reason of duplication in pipe lines and $8.92 from the depreciation annuity for the same reason, leaving the estimated original cost $98,405 and the annuity $859. The difference in this latter item is mainly attributable to the inclusion by the company's engineer of an allowance to cover depreciation of paving over mains not actually cut by the company, which we are of the opinion was properly excluded by the Commission's engineer.

No appraisement of the properties of the San Mateo Homestead tract was presented during these proceedings, as the interested parties generally conceded that whatever rate was established for the San Mateo Park system might be considered equally applicable to it.

An investigation of the maintenance and operating expenses of the San Mateo Park and Homestead tracts and the main Peninsula Water Company's system was made by M. I. Reed, one of the Commission's hydraulic engineers. This investigation covered not only the operations of the systems separately but also combined as a unit. The

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following tabulations are taken from this report and show the results of operations for the last seven months of 1924 and for the entire year of 1925. The column entitled "Peninsula Water Company" represents the entire combined systems, the column headed "San Mateo Park" applies only to that system, while the third column entitled "Peninsula System" is the difference between the first two and therefore represents both the main Peninsula Water Company's system as well as the Homestead tract.

Results of Operation for 7 months of 1924 Commencing June 1st.

	Peninsula Water Co.	*San Mateo Park*	*Peninsula System*
Revenue	$81,057 68	$11,284 57	$69,773 11
Expense	37,845 13	13,337 61	24,507 52
Net for return and depreciation	$43,212 55	*$2,053 04	$45,265 59
Depreciation allowance	2,200 00	500 00	1,700 00
Net for return	$41,012 55	*$2,553 04	$43,565 59

Results of Operation for Year 1925.

Revenue	$83,389 17	$18,228 03	$65,161 14
Expense	46,547 30	22,984 00	23,563 30
Net for return and depreciation	$36,841 87	*$4,755 97	$41,597 84
Depreciation allowance	2,668 00	868 00	1,800 00
Net for return	$34,173 87	*$5,623 97	$39,797 84

*Deficit.

The above tabulations indicate that the San Mateo Park system is operating at a deficit when considered by itself. However, when this system is included as a part of the combined properties of applicant the entire system during 1925 produced net revenues amounting to $34,174, which sum includes an operating deficit on account of the operation of the San Mateo Park system, of $5,623.97.

Charles H. Lee, a consulting engineer specializing in underground waters, testified that the safe yield from the wells now being operated on the company's property is approximately 240,000 gallons per day, and that to continue the present practice of pumping 600,000 to 700,000 gallons a day during the summer months is likely to bring about the infiltration of salt water and ruin the wells. On the other hand, Hyde Forbes, another consulting engineer, also specializing in underground waters and testifying for the city of San Mateo, concludes that the well field underlying the corporate limits of San Mateo can be depended on to produce continuously one million gallons per day.

From the evidence presented in this proceeding the Commission is by no means convinced of the soundness of the company's contention that it is necessary, at all times throughout the year, to purchase such large quantities of water from the Spring Valley Water Company in order to properly and adequately serve the San Mateo Park and Home-

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stead tract systems. On the other hand it does appear that there are other means of obtaining at least a portion of the water supply for these two systems at a lesser cost than by purchase and at an expense not at all unreasonable. Had this additional supply been developed and diverted to the San Mateo Park system during the year 1925 it is doubtful whether or not there would have been an operating deficit. Computations of revenue to be derived from the San Mateo Park system by substituting the rate now in effect on the main peninsula system show that the present annual revenue from that area would be increased some $4,000. The record is also clear that this utility is experiencing a very healthful growth and that the revenues during the coming year even under the existing conditions will be materially increased.

It is evident that this utility will in the immediate future obtain an annual net revenue of at least $40,000 provided the existing rates on the main peninsula system are made effective in San Mateo Park. A net revenue of this amount is equivalent to an 8 per cent return on $500,000, which sum is substantially the same as the rate base found by this Commission in its Decision No. 9695, dated November 4, 1921, plus additions and betterments and the estimated original cost of properties acquired by purchase and otherwse.

The evidence further shows that the San Mateo Park system is contiguous to the main peninsula system, is owned by the same company, operated by the same organization from one office and that the operating conditions are similar except that a larger proportion of the water is purchased from the Spring Valley Water Company for the San Mateo Park system. Under these circumstances it appears reasonable that this utility should have a uniform rate and that the rates in effect on the main peninsula system should be made effective for the entire system.

ORDER.

Application having been made to this Commission as entitled above, a public hearing having been held thereon and the matter having been submitted:

It is hereby found as a fact that the rates now charged by Peninsula Water Company, a corporation, for water supplied to its consumers in San Mateo Park are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order on the foregoing finding of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that Peninsula Water Company, a corporation, be and it is hereby authorized to file with this Commission within

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ten days from the date of this order the following rates to be charged for all service rendered in San Mateo Park on and after September 1, 1926:

METER RATES.

Readiness-to-serve charge, to apply to all metered services:

⅝- and ¾-inch meters	$0 50 per month
1-inch meters	1 25 per month
2-inch meters	3 00 per month
3-inch meters	4 50 per month
4-inch meters	6 00 per month

Quantity rates, to apply to all water used:

From 0 to 3000 cubic feet, per 100 cubic feet	25 per month
Over 3000 cubic feet, per 100 cubic feet	22 per month
Fire hydrants, owned by city, each	1 00 per month
Fire hydrants, owned by utility, each	1 50 per month

The quantity charge shall be in addition to the readiness-to-serve charge.

The effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this third day of September, 1926.

DECISION No. 17312.

IN THE MATTER OF THE APPLICATION OF ALEXANDER C. PYPER, OWNER OF THE PACIFIC HIGHWAY EXPRESS, UNINCORPORATED, TO SELL, AND PACIFIC HIGHWAY EXPRESS, INCORPORATED, TO PURCHASE AN AUTOMOBILE FREIGHT LINE OPERATED BETWEEN LOS ANGELES AND SAN FRANCISCO, CALIFORNIA.

Application No. 12378.

Decided September 8, 1926.

TRANSFER—AUTO TRUCKS—OPERATIVE RIGHTS—STOCK—TO ISSUE.—Alexander C. Pyper (Pacific Highway Express) authorized to transfer operative rights for an auto truck service between Los Angeles and San Francisco to Pacific Highway Express, Incorporated, and the latter is authorized to issue $450 of common stock in payment therefor.

Alexander C. Pyper, Applicant, *in propria persona*.

J. R. Zimmerman, for Pacific Highway Express, Incorporated.

BY THE COMMISSION.

OPINION.

Alexander C. Pyper, owner of the Pacific Highway Express, an unincorporated organization, has made application to the Railroad Commission for authority to sell his certificate for the transportation of household goods between Los Angeles and San Francisco to the Pacific Highway Express, Incorporated, which has joined in the application and asks authority to make the purchase.

A public hearing was conducted by Examiner Williams at Los Angeles.

The certificate, the transfer of which the Commission is asked to authorize, was granted to E. H. Shull by Decision No. 10063, dated

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February 2, 1922, in Application No. 7345. By Decision No. 13679, dated June 11, 1924, in Application No. 10077, E. H. Shull was authorized to transfer said certificate to Alexander C. Pyper. The certificate authorizes the owner thereof to operate auto trucks for the transportation of household goods between San Francisco, Oakland and Berkeley and Los Angeles and intermediate points, via what is known as the "Valley Route."

In Decision No. 13679, it appears that Alexander C. Pyper paid E. H. Shull $6,867.50, of which $5,867.50 represented the value of Shull's equipment and $1,000 the value of the operative right. Applicant Pyper now proposes to transfer the certificate without any equipment to Pacific Highway Express, Incorporated. The value of the property to be transferred is reported at $3,067.63. This amount is composed of $1,567.63, said to represent incorporation advances and attorney's fees and development costs, and $1,500, said to represent the value of the operative right. Applicant Pacific Highway Express, Incorporated, asks authority to issue 1500 shares of capital stock (par value $1,500) equally to K. P. Brockman, J. R. Zimmerman and Alexander C. Pyper in exchange for the operative right, costs of incorporation, attorney's fees and development expenses. This is the only consideration for the transfer, except agreements and contracts for advertising, into which applicant Pyper has entered.

Applicants sought to justify the stock issue by filing an exhibit which shows an expenditure of $1,406.13. Of said amount $406.13 was expended for incorporation fees, taxes, attorney's fees, filing fees and for stock records, while $1,000 is said to represent personal expenses and services of applicant Pyper in connection with the development of the business. We do not believe that the record in this proceeding warrants us to permit a corporation to capitalize the $1,000 said to represent personal expenses for services of applicant Pyper. Neither can we authorize the capitalization of the amount which applicant Pyper may have paid for the certificate. Only the actual cost to the original grantee of the certificate can be capitalized. There was, however, no evidence submitted showing how much E. H. Shull expended in obtaining the certificate.

The order herein will authorize the issue of $450 par value of stock.

ORDER.

Alexander C. Pyper, doing business under the firm name and style of Pacific Highway Express, having asked permission to transfer the operative right referred to in the opinion which precedes this order to the Pacific Highway Express, Incorporated, a corporation, and said corporation having applied for permission to purchase said operative right and to issue $1,500 par value of its common capital stock, a public hearing having been held, the Commission having considered the request of applicants and being of the opinion that applicant Pacific

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Highway Express, Incorporated, should be permitted to issue not exceeding $450 par value of stock;

It is hereby ordered, that Alexander C. Pyper, doing business under the firm name and style of Pacific Highway Express, be and he is hereby authorized to sell and transfer to the Pacific Highway Express, Incorporated, a corporation, the operative right granted by the decision mentioned in the foregoing opinion.

It is hereby further ordered, that the Pacific Highway Express, Incorporated, be and it is hereby authorized to issue at not less than par $450 par value of its common capital stock to acquire properties and pay organization expenses reported at $406.13, said organization expenses consisting of the following:

Incorporation fees	$40 63
Incorporation tax	30 00
Transfer fees	50 00
Filing fees of incorporation papers, etc.	10 50
Stock records, seals, etc.	25 00
Attorney's fees	250 00

The authority herein granted is subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.

2. Applicant Pyper shall immediately cancel tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51.

3. Applicant Pacific Highway Express, Incorporated, shall immediately file, in duplicate, tariff of rates and time schedules or adopt as its own the tariff of rates and time schedules for said service as heretofore filed by applicant Pyper. All tariffs of rates and time schedules to be identical with those as filed by applicant Pyper.

4. The rights and privileges herein authorized to be transferred shall not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by applicant Pacific Highway Express, Incorporated, unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. Pacific Highway Express, Incorporated, shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

7. The authority herein granted shall apply only to such transfer as

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may be made and to such stock as may be issued on or before November 30, 1926.

Dated at San Francisco, California, this eighth day of September, 1926.

DECISION No. 17313.

IN THE MATTER OF THE APPLICATION OF DAVIES WAREHOUSE COMPANY FOR AN ORDER AUTHORIZING THE ISSUANCE OF SEVEN PER CENT CUMULATIVE PREFERRED STOCK TO THE FACE VALUE OF TEN THOUSAND DOLLARS.

Application No. 13074.

IN THE MATTER OF THE APPLICATION OF C. C. CARTWRIGHT, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF C. C. TRANSFER COMPANY, FOR AN ORDER AUTHORIZING THE SALE AND TRANSFER TO DAVIES WAREHOUSE COMPANY OF FRANCHISE NO. C. R. C. 10020 TOGETHER WITH ALL EQUIPMENT, GOOD WILL OF THE BUSINESS AND ALL TOOLS AND APPLIANCES.

Application No. 13103.

Decided September 8, 1926.

TRANSFER—AUTO TRUCKS—OPERATIVE RIGHTS—STOCK—TO ISSUE.—C. C. Cartwright authorized to transfer to Davies Warehouse Company operative rights and property for an auto truck line operated between Los Angeles harbor and Los Angeles City, and the purchaser thereof authorized to issue $10,000 of preferred stock in payment therefor.

R. M. Farrar, for Applicants.

BY THE COMMISSION.

OPINION.

In Application No. 13103, C. C. Cartwright, doing business under the firm name and style of C. C. Transfer Company, asks permission to transfer certain properties used in the operation of an automobile truck line for the transportation of property between Los Angeles harbor and the city of Los Angeles, to Davies Warehouse Company, a corporation. In Application No. 13074, Davies Warehouse Company asks permission to issue 100 shares of its preferred capital stock, of the aggregate par value of $10,000, in part payment for such properties.

A public hearing in these matters was held by Examiner Fankhauser at which time they were consolidated for the purpose of receiving evidence and for decision.

The applications show that the properties to be transferred to Davies Warehouse Company by C. C. Cartwright include a certificate of public convenience and necessity and certain physical properties described in some detail in Exhibit "B" attached to Application No. 13074. The certificate of public convenience and necessity was granted to C. C. Cartwright by the Commission by Decision No. 14404, dated December 27, 1924, in Application No. 10020, and permits the opera-

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tion of an automobile truck service for the transportation of property for compensation between the city of Los Angeles proper and steamship wharves and locks located at Los Angeles harbor, namely, Wilmington and San Pedro. The physical properties, according to Exhibit "B," consist of the following:

Name	*Cost*	*Estimated depreciation*
Four-ton Stewart truck, rebuilt, 1924	$3,000 00	--------
Four-ton Stewart truck, 1923	4,880 00	$1,952 00
Two-ton Chevrolet truck, 1922	1,495 00	897 00
One-ton Ford truck, 1922	690 00	690 00
One-ton Republic truck, 1920	600 00	600 00
Six-ton trailer, 1924	650 00	260 00
Eight-ton trailer, 1924	920 00	328 00
Eight-ton trailer, 1922	950 00	552 00
Shop tools and equipment	435 00	190 00
Extra body for Stewart truck (new)	300 00	--------
Materials and supplies	389 00	--------
Totals	$14,309 00	$5,469 00

The agreement (Exhibit "A") between Davies Warehouse Company and C. C. Cartwright recites that in consideration of the payment of $10,000 and other good and valuable consideration, the party of the second part (C. C. Cartwright) agrees to sell to the party of the first part (Davies Warehouse Company), all his truck and transfer business, including five trucks, three trailers, shop equipment, extra truck body, all material and supplies, tools and appliances, good will and franchise issued by the Railroad Commission of the State of California No. C. R. C. 10020 and the party of the first part agrees to purchase the same, subject to the indebtedness now due on the same amounting to $1,160.

Davies Warehouse Company is engaged in the general warehouse business in the city of Los Angeles and in the course of its operations receives considerable tonnage from the harbor. It reports, however, that due to the fact that it has no operative right to enter the trucking business, it is suffering a loss in revenue by reason of trucking companies diverting business to warehouses with which they are affilated. C. C. Cartwright, on the other hand, reports that he has agreements for the transportation of large quantities of merchandise to the harbor, but that owing to the fact that he has no trucking from the harbor he suffers a loss of revenue in having to return empty. As Davies Warehouse Company thus receives tonnage from the harbor and C. C. Cartwright has agreements for trucking merchandise to the harbor, it is thought that the consolidation of operations under one ownership and management will be advantageous to both interests.

ORDER.

Applications having been made to the Railroad Commission for orders authorizing C. C. Cartwright to transfer operative rights to

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Davies Warehouse Company, and authorizing Davies Warehouse Company to issue $10,000 of preferred stock, a public hearing having been held, and the Commission being of the opinion that the applications should be granted, as herein provided, and that the issue of stock is reasonably required by Davies Warehouse Company for the purposes specified herein;

It is hereby ordered, that C. C. Cartwright, doing business under the firm name and style of C. C. Transfer Company, be and he is hereby authorized to transfer to Davies Warehouse Company the properties described in Exhibit "B" attached to Application No. 13074, and the operative rights heretofore granted him by the Commission by Decision No. 14404, dated December 27, 1924, in Application No. 10020, permitting the operation of an automobile truck service for the transportation of property for compensation between the city of Los Angeles and steamship wharves and docks located at Los Angeles harbor, namely, Wilmington and San Pedro.

It is hereby further ordered, that Davies Warehouse Company be and it is hereby authorized to acquire such rights and properties subject to outstanding indebtedness of $1,160 and to issue in part payment therefor not exceeding $10,000 of its 7 per cent cumulative preferred stock.

The authority herein granted is subject to the following conditions:

1. C. C. Cartwright, doing business under the firm name and style of C. C. Transfer Company, shall cancel immediately all tariffs heretofore filed by him with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission, and Davies Warehouse Company shall file immediately new tariffs in duplicate in its own name, such tariffs to be identical with those heretofore filed by C. C. Cartwright.

2. The rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission has first been secured.

3. No vehicle may be operated by Davies Warehouse Company unless such vehicle is owned by it or is leased under a contract or agreement on a basis satisfactory to the Commission.

4. Applicant, Davies Warehouse Company, shall keep such record of the issue of stock herein authorized and of the disposition of the proceeds as will enable it to file, within thirty days thereafter, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this eighth day of September, 1926.

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DECISION NO. 17314.

IN THE MATTER OF THE APPLICATION OF SIERRA AND SAN FRANCISCO POWER COMPANY, A CORPORATION, AND PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA UNDER SECTION FIFTY OF THE PUBLIC UTILITIES ACT GRANTING TO APPLICANTS A CERTIFICATE DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE AND WILL REQUIRE THE CONSTRUCTION OF THE PROPOSED DAM AND PENSTOCK AND THE ENLARGEMENT OF AND ADDITIONS TO PLANTS AND FACILITIES DESCRIBED IN THIS PETITION.

Application No. 13028.

Decided September 8, 1926.

CERTIFICATE—ELECTRIC UTILITY—TO CONSTRUCT.—Application granted to construct and enlarge certain dams, conduits and equipment in connection with Spring Gap power house.

C. P. Cutten, for Pacific Gas and Electric Company.
Chickering and Gregory, by *Donald M. Gregory*, for Sierra and San Francisco Power Company.

LOUTTIT, *Commissioner*.

OPINION.

Sierra and San Francisco Power Company and Pacific Gas and Electric Company join in asking that the Railroad Commission certify that public convenience and necessity require the construction of certain proposed storage reservoirs and diversions, and the enlargement of an existing ditch and power house.

Sierra and San Francisco Power Company is the owner of a hydroelectric system which is now being operated under a fifteen-year lease by Pacific Gas and Electric Company. A part of this system is a 7500 k. v. a. generating plant, known as the Spring Gap plant, the capacity of which will be doubled by the construction work now proposed. Water for use in the Spring Gap plant is now stored in the Strawberry reservoirs located on the south fork of Stanislaus River. After flowing the natural course of the stream for a few miles, the water is diverted by means of what is known as the Philadelphia ditch to the forebay, from which it is piped down a penstock to a water wheel in the Spring Gap plant and is discharged into the middle fork of the Stanislaus River. This water together with the flow of the middle fork passes through the Stanislaus power house and is diverted a third time for use in the Melones plant, now under construction, and for irrigation purposes.

It is now proposed to build a new rock-filled dam on the south fork of the Stanislaus River about four miles above the Strawberry reservoirs, creating what will be known as the Big Dam reservoir. The diversion of Herring Creek, a tributary of the south fork, so that its waters may be stored in the Strawberry reservoirs will maintain the

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storage in these reservoirs at practically its present status and the capacity of the Big Dam reservoir will be substantially a net addition to the system. With this additional storage the Philadelphia ditch may be enlarged, an additional penstock constructed, and a duplicate unit added to the Spring Gap power house.

The cost of the project, including the Big Dam reservoir, Herring Creek diversion, enlargement of Philadelphia ditch and duplication of present penstock and equipment at Spring Gap plant, is estimated at $1,950,000. This sum includes incidental costs for roads, camps, engineering superintendence, etc., as well as the direct expenses.

It is estimated that the increased output by reason of the new construction work will average approximately 55,000,000 kilowatt hours per year. Of this additional energy approximately 41,000,000 kilowatt hours will come from the addition to the Spring Gap plant and about 14,000,000 kiolwatt hours will be generated by the passage of the additional stored water through the existing Stanislaus plant.

The demand for electric power from the system of the Sierra and San Francisco Power Company is continuing to grow with the growth of the communities served and there can be no question that public necessity requires the construction of additional generating plants. It appears that the construction now proposed will provide a reasonably economic source of power and that it is advantageously located with reference to existing plants and facilities of the Sierra and San Francisco Power Company.

I recommend the following form of order:

ORDER.

Sierra and San Francisco Power Company and Pacific Gas and Electric Company having applied to the Railroad Commission for an order, under section 50 of the Public Utilities Act, certifying that public convenience and necessity require and will require the construction of the proposed dam and penstock and the enlargement of and additions to the plants and facilities described in the application, a public hearing having been held, and the Commission being fully advised:

The Railroad Commission hereby certifies and declares that public convenience and necessity require the construction and enlargement of certain dams, conduits and equipment in connection with the Spring Gap power house of Sierra and San Francisco Power Company, in accordance with the plans set forth in the application in this matter.

The foregoing opinion and order are hereby ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this eighth day of September, 1926.

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DECISION No. 17319.

IN THE MATTER OF THE APPLICATION OF LOS ANGELES GAS AND ELECTRIC CORPORATION FOR AN ORDER AUTHORIZING THE ISSUANCE AND SALE OF FIFTEEN THOUSAND SHARES OF ITS COMMON CAPITAL STOCK.

Application No. 13115.

Decided September 8, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Paul Overton, for Applicant.

BY THE COMMISSION.

OPINION.

Los Angeles Gas and Electric Corporation asks permission to issue and sell 15,000 shares of its common capital stock, of the aggregate par value of $1,500,000, for the purpose of financing the cost of extensions, additions and betterments to its plants and properties.

The record shows that Los Angeles Gas and Electric Corporation has an authorized capital stock of $60,000,000, divided equally into common and 6 per cent cumulative preferred stock. As of July 31, 1926, there was $31,426,000 of stock reported outstanding, of which $18,926,000 was preferred and $12,500,000 common. It appears that all of the common stock is owned by Pacific Lighting Corporation, which has agreed to purchase at par the additional $1,500,000 of comon stock covered by this application.

The company proposes to use the proceeds from the sale of the $1,500,000 of common stock to finance in part capital expenditures made and to be made during the calendar year 1926, which are said to be necessary in order for it to furnish service to its present and prospective consumers. These expenditures are described in Exhibit "1," filed at the hearing in this matter as follows:

Gas works, sundry small additions	$182,250 00
Electric works, sundry small additions	11,350 00
Gas distributing systems, including 100 miles commercial mains, 32 miles pressure mains, 21,500 gas services, 20,000 gas meters, 500 gas regulators	1,851,855 00
Electric distributing system, including pole line and conduit extensions, substations, transformers, 14,000 electric services and 13,000 electric meters	2,102,660 00
Miscellaneous, including transportation equipment, land for Pasadena office buildings, etc.	148,131 00
Overhead expense	250,000 00
Total	$4,546,246 00

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Applicant intends to finance the expenditures of $4,546,246 in the following manner:

Balance remaining from the sale of Series "I" bonds sold in 1925	$500,000 00
Estimated receipts during 1926 from sale of preferred stock heretofore authorized by Railroad Commission	280,000 00
Sale of common stock covered by pending application	1,500,000 00
From temporary loans, depreciation reserve and surplus	2,266,246 00
Total	$4,546,246 00

ORDER.

Los Angeles Gas and Electric Corporation having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required for the purpose specified herein, and that the expenditures for such purpose are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Los Angeles Gas and Electric Corporation be and it hereby is authorized to issue and sell, at not less than par, on or before June 30, 1927, $1,500,000 of its common capital stock and to use the proceeds to reimburse its treasury and to finance, in part, the cost of the additions, betterments and extensions set forth in applicant's Exhibit "1" and referred to in the foregoing opinion.

The authority herein granted is subject to the following conditions:

1. Only such expenditures may be financed with the proceeds obtained from the sale of the stock herein authorized as are properly chargeable to capital accounts as such accounts are defined in the uniform systems of accounts prescribed by the Railroad Commission.

2. Applicant shall keep such record of the issue and sale of the stock herein authorized, and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this eighth day of September, 1926.

DECISION No. 17330.

LOS ANGELES COUNTY GRADE CROSSING COMMITTEE

vs.

SOUTHERN PACIFIC RAILROAD COMPANY, A CORPORATION, AND THE SOUTHERN PACIFIC COMPANY, A CORPORATION.

Case No. 2124.

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IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION OF THE SAFETY AND NECESSITY OF GRADE CROSSINGS OF THE TRACKS OF SOUTHERN PACIFIC COMPANY IN THE CITIES OF LOS ANGELES, GLENDALE AND BURBANK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

Case No. 2171.

Decided September 10, 1926.

GRADE CROSSINGS—STEAM RAILROAD—SEPARATION OF GRADES.—The Commission orders the grade crossings of Los Feliz boulevard and of Glendale-Brand boulevard over the tracks of Southern Pacific Company near the boundary line between the cities of Glendale and Los Angeles abolished by construction of subways carrying the highways under the railroad tracks. Southern Pacific Company directed to file detailed plans and specifications for the construction of said subways within 120 days, with the approval of all principals. Apportionment of cost is left to future order of the Commission.

John R. Berryman, Jr., for Los Angeles County Grade Crossing Committee.
Ray L. Morrow, City Attorney, and *L. R. Tarr*, Assistant City Attorney, for City of Glendale.
Milton Bryan, Assistant City Attorney, for City of Los Angeles.
James H. Mitchell, City Attorney, for City of Burbank.
R. C. McAllister, Deputy County Counsel, for County of Los Angeles.
Frank Karr, for Southern Pacific Company and Pacific Electric Railway Company.
F. W. Mielke, for Southern Pacific Company.
Geo. A. Damon, for Los Angeles County Regional Planning Commission.
S. V. Cortelyou, for California State Highway Commission.
G. C. De Garmo, for Gladding, McBean and Company
Otto and Linn, by *Roy A. Linn*, for Von Breton, Lampe and Sweet.

SEAVEY, *Commissioner*.

OPINION.

Case No. 2124, as entitled above, was filed with the Commission on April 17, 1925, wherein the Commission is asked to determine, under proper process, whether or not the grade crossing of Los Feliz boulevard and Southern Pacific tracks should be replaced with a grade separation, and if so, to apportion the expense thereof between the interested parties.

A public hearing was held on this proceeding on June 16, 1925. At this hearing both the city of Los Angeles and the city of Glendale asked the Commission to make a comprehensive study of the entire grade crossing situation, with respect to Southern Pacific Company's tracks through Glendale and vicinity, and to determine, before any money is spent at the proposed Los Feliz boulevard grade separation, whether or not the plan proposed by complainant in Case No. 2124 would be consistent with the best plan for general grade crossing elimination in this vicinity. Thereupon the Commission's transportation engineer was directed to make such an investigation and to report at the next hearing, it being agreed by the interested parties that their respective representatives would cooperate and assist in this investigation.

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On September 21, 1925, the Commission instituted a proceeding on its own motion, Case No. 2171, for the purpose of determining whether, in the interest of public convenience and public safety, the installation and maintenance of additional protective devices, the separation of grades or the abolition or relocation of crossings is or will be required at the crossings of the tracks of Southern Pacific Company at various intersecting highways, or any of them, in the cities of Los Angeles, Glendale and Burbank, county of Los Angeles, State of California, between and including the crossing of Dayton avenue in said city of Los Angeles and the crossing of San Fernando road in said city of Burbank, and also for the purpose of determining whether, in the interest of public convenience and public safety, the separation of grades is or will be required at the grade crossing of the track of the Pacific Electric Railway Company with the tracks of Southern Pacific Company at or near Brand boulevard in said city of Glendale, and for the further purpose of determining the proportions in which the expense of construction and maintenance of any such additional protection, or separation of grades, or abolition or relocation of such crossings, if prescribed, shall be divided between Southern Pacific Company, Pacific Electric Railway Company, the cities of Los Angeles, Glendale and Burbank, the county of Los Angeles and the State of California, in relation to the California Highway Commission.

At the public hearing on December 22, 1925, both of these proceedings were consolidated for hearing and decision. Further public hearings were held on these proceedings at Los Angeles on February 8, March 15, March 26 and June 4, 1926.

The result of the comprehensive study of the grade crossing situation, with respect to Southern Pacific Company's tracks from Dayton avenue in Los Angeles to San Fernando road crossing in the city of Burbank, was introduced in evidence (Commission's Exhibit No. 1) by the Commission's transportation engineer, under whose supervision the joint investigation was made.

It does not appear necessary to discuss at length this voluminous exhibit, further than to quote from the summary statement of conclusions and recommendations contained therein as follows:

1. A total of sixteen crossings will probably adequately serve the ultimate needs of territory from the San Fernando road crossing in Burbank to Dayton avenue in Los Angeles, a distance of approximately ten miles.

2. The territory will eventually be intensively developed as urban territory and should ultimately be entirely free from all crossing of high speed railroad tracks at grade.

3. The work of eliminating grade crossings in this territory should be commenced at once and should be completely accomplished within a period of fifteen years.

4. There are two general plans of effecting this complete grade crossing elimination:

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a. A comprehensive plan of depressing the railroad south of Aviation drive and elevating the railroad north of Aviation drive.

b. An individual treatment plan of providing a subway or overhead at each of the necessary highways.

5. Omitting consideration of cost, each of these general plans has certain advantages. The more important of these respective advantages are as follows:

a. In favor of comprehensive plan:

1. Complete grade crossing elimination would be effected over a large section immediately upon the completion of the first stage of the work.
2. Economical construction of grade separations of future streets not now foreseen as necessary.
3. Encouragement of fairly uniform business development of property adjacent to railroad.
4. Construction of necessary highways across the railroad with the minimum disturbance of existing street grades.

b. In favor of individual crossing plan:

1. Elimination of drill or switching track grade crossings that will still exist under the comprehensive plan.
2. Greater traffic capacity of highways due to elimination of industrial track grade crossings.
3. Minimum amount of land taken from natural industrial uses.
4. Minimum interferences with both highway and railroad traffic during period of construction.
5. Grade crossing relief can be afforded at any particular crossing at a time comparable with the needs of that particular crossing.
6. Where crossings are adjacent to San Fernando road (such as Colorado street) grade can also be separated from San Fernando road.
7. No serious drainage problem.
8. View of Glendale not hidden to passengers on trains.

6. The estimated costs of the two plans for the sixteen crossings compare as follows:

	Comprehensive plan	*Individual plan*
Total new money	$18,360,371 00	$4,865,646 00
Average annual new money requirements over 15-year period	1,224,021 00	324,376 00
Average annual interest charge at 5 per cent for first 15 years	634,051 00	123,419 00
Annual interest charge at 5 per cent after 15 years	918,018 00	243,282 00

7. It is noted that the annual interest requirements alone of the comprehensive plan are nearly twice the average annual total new money requirements of the individual plan for the fifteen years during which the entire work could be accomplished.

8. It is recommended that the individual plan be adopted and the construction program be promptly undertaken.

9. For a construction program, the various grade separations be grouped into three groups, each group to be constructed in a five-year period. The crossings recommended for these groups are:

Group I.

Los Feliz boulevard.
Brand boulevard.
Fletcher drive.
San Fernando road (Turkey crossing).
Tyburn street.

Group II.

Colorado street.
Magnolia avenue.
Olive avenue.
Parkdale avenue.
Western avenue.

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Group III.

Coolidge avenue or Hallett avenue.
Broadway.
Grand View avenue.
Alameda avenue.
Verdugo avenue.

10. The grade crossings at the following named streets should be closed:
Goodwin avenue.
Aviation drive.
Sonora avenue.
Allen avenue.
Providencia avenue.

11. The grade crossing of the Pacific Electric over Southern Pacific at Brand boulevard should temporarily remain, pending the construction of a rapid transit line to Glendale.

It appears from this exhibit, when considered together with all evidence presented, that the so-called Individual Treatment Plan is the proper plan to adopt, and it further appears that this is the only plan that can feasibly be financed. This Individual Treatment Plan has been approved by the cities of Los Angeles and Burbank, the county of Los Angeles and by Southern Pacific Company. The city of Glendale expressed no preference as to plans. Certain interested private property owners expressed a preference for the Comprehensive Plan, and others objected to any grade separation in the vicinity of their holdings.

The program or sequence of crossing eliminations recommended seems to be satisfactory but it does not appear either necessary or proper that the Commission should at this time attempt to definitely determine the exact time and order for the entire grade crossing elimination program. It might develop that future conditions will arise to change greatly the present situation. It is entirely proper, however, that the Commission should now direct such grade crossing relief as is required by the immediate public needs. The evidence clearly shows that among the grade crossings under consideration there are two outstanding cases where there is an urgent public necessity for relief, namely, at the Los Feliz boulevard and the Glendale-Brand boulevard crossings, whereby subways, substantially in accordance with the Individual Treatment Plan described as Commission's Exhibit No. 1, should be constructed.

Los Feliz boulevard is an important highway artery which offers a direct connection between the Glendale-Pasadena districts and the Hollywood district of Los Angeles, as well as the west beaches. The city of Los Angeles has recently constructed a new bridge on this highway over the Los Angeles River and portions of the route have been improved by the construction of a 70-foot paved roadway. A traffic count taken on Tuesday, January 6, 1925, between the hours of 6 a.m. and 10 p.m. showed that 14,205 vehicles passed over this grade cross-

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ing in the 16-hour period. This traffic count was taken before the new pavement was constructed. Los Feliz boulevard crosses two main tracks, a passing track and three yard tracks (six in all) of Southern Pacific Company. Southern Pacific Company's records show that during the period of time from January 1, 1920, to June 30, 1925, seventeen accidents occurred at this crossing. The crossing is now protected with gates. The westerly right of way line of the railroad marks the boundary between the city of Los Angeles and the city of Glendale, the railroad property being in the city of Glendale. The estimated cost of a grade separation at Los Feliz boulevard is stated at $421,790, an amount which provides for carrying the highway under the railroad in a subway, with two 27-foot roadways and two 6-foot sidewalks.

Glendale-Brand boulevard is the most important highway artery between the business center of the city of Los Angeles and the city of Glendale, and crosses at grade the two main tracks of Southern Pacific Company at the boundary line of the two cities. The Glendale depot is located on the easterly side of the railroad and about 900 feet northerly from Glendale-Brand boulevard. In the vicinity of Southern Pacific Company's tracks, Glendale-Brand boulevard is divided into two portions by Pacific Electric Company's 60-foot right of way for its Glendale and Burbank electric interurban line. Each portion of the highway has a driveway 30 feet in width, with 10-foot sidewalks. A traffic count taken between the hours of 6 a.m. and 2 p.m. on Thursday, January 29, and from 2 p.m. to 10 p.m. on Tuesday, February 3, 1925, shows that 15,902 vehicles passed over this grade crossing in the total 16-hour period. Southern Pacific Company's records show that during the period of time from January 1, 1920, to June 30, 1925, forty-one accidents have occurred at this crossing. This crossing is protected with gates. The estimated cost of grade separation at this location is $500,250, an amount which provides for constructing the highway under the railroad with two 30-foot driveways and two 8-foot sidewalks.

No evidence has been taken which will justify the Commission at this time in fixing the proportion of the cost of these subways that should be assessed to the several interested parties. It would be desirable if the parties themselves could agree upon a division of cost which to them would appear equitable, and it may be that now since a definite plan and program has been determined upon, in so far as these two crossings are concerned, the parties will be able to reach, within a reasonable period, such an agreement as to the division of cost. If, however, evidence of such an agreement has not been presented to this Commission within one hundred and twenty days, the Commission should proceed, after further hearing, to make its finding as

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to this feature. In the meantime the Southern Pacific Company should be directed to prepare and submit final plans and specifications for the two grade separation projects ordered.

The following recommended form of order so provides:

ORDER.

Public hearings having been held on the above entitled matter, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that the grade crossings of Los Feliz boulevard and Glendale-Brand boulevard, respectively, over the tracks of Southern Pacific Company at or near the boundary line between the cities of Glendale and Los Angeles, in the county of Los Angeles, State of California, be abolished by the construction of suitable subways to carry said Los Feliz and Glendale-Brand boulevards under said tracks of Southern Pacific Company.

It is hereby further ordered, that Southern Pacific Company be and it is hereby directed to prepare detail plans and specifications for the construction of suitable subways to carry said Los Feliz boulevard and said Glendale-Brand boulevard, respectively, under the tracks of said Southern Pacific Company, substantially in accordance with the plans shown in Commission's Exhibit No. 1, filed in the above entitled proceeding. Said Southern Pacific Company is hereby directed to submit said plans to all other interested parties for their approval or disapproval. Within one hundred and twenty days from the date hereof, Southern Pacific Company is hereby directed to submit said plans to this Commission, together with the written approval of all interested parties, or in the event that any or all of such parties shall fail to approve said plans, the reason given for such failure to approve shall be stated in writing to the Commission. Approval of detail plans and the apportionment of costs of these improvements may be made by suitable supplemental order, after the Commission is placed in possession of sufficient information for that purpose.

For all other purposes the effective date of this order shall be twenty days from and after the making hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this tenth day of September, 1926.

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DECISION No. 17337.

IN THE MATTER OF THE APPLICATION OF A. J. GUGLIELMETTI, R. P. GUGLIELMETTI AND W. J. GUGLIELMETTI, COPARTNERS IN TRADE, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF GUGLIELMETTI TELEPHONE COMPANY, FOR ORDER FOR INCREASE OF RATES AND FOR ESTABLISHMENT OF RATES ON NEW SERVICE.

Application No. 12249.

Decided September 14, 1926.

RATES—TELEPHONE UTILITY—TO INCREASE—EQUIPMENT.—Applicant authorized to modify its rates to a reasonable basis on condition that it acquires all outside telephone plant and equipment, and all branch lines, and shall file maps of exchange area as prescribed by this order.

E. I. Donohue, for Applicant.
J. E. Marshall, for The Pacific Telephone and Telegraph Company.
J. J. Deuel and *L. S. Wing*, for California Farm Bureau Federation.
E. Irwin, for California Independent Telephone Association.
L. H. Cromwell, for Petaluma Rural Telephone Company.
A. Bloom, for Chileno Valley Telephone Company.
R. N. Duval, for California Telephone and Light Company.

BY THE COMMISSION.

OPINION.

Guglielmetti Telephone Company, a copartnership, applicant in this proceeding hereinafter referred to as the applicant, asks that the Railroad Commission issue its order granting applicant authority to increase its rates for party line service; to establish a differential in rates for business and residence service; to charge and collect rates for service not previously filed with this Commission, including rates for individual, two-party and four-party line service and certain supplemental equipment; to collect and charge a rate of ten cents per message for local exchange messages made from pay station; to provide common battery service where conditions warrant, and to charge a rental rate of fifty cents per month for instruments.

A public hearing was held in this matter before Examiner Satterwhite in Petaluma on April 1, 1926.

Applicant is furnishing service to approximately one hundred sixty subscribers located to the north, east and west of the city of Petaluma and in the communities known as Penn Grove and Cotati. Service is furnished to subscribers over telephone lines owned and maintained by applicant, which extend from the subscribers' instruments to the boundary of the primary rate area of the Petaluma exchange of The Pacific Telephone and Telegraph Company, where connection is made with lines of the Pacific Company. Applicant does not own or operate a central office switchboard nor does it own or maintain telephone sets used in furnishing service to its subscribers. Interline switching is performed for applicant by the Pacific Company at its

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Petaluma central office, while telephone instruments are owned and maintained by applicant's subscribers.

At the present time, applicant has but one rate on file with this Commission, that of $1.50 per month per station for party line service of either business or residence service. For switching service applicant pays the Pacific Company in accordance with the latter's farmer line rate schedule.

Applicant bases its claim that an increase in its rates is justified upon evidence introduced by it, purporting to show that it has been unable to earn sufficient revenue to provide for depreciation and a fair return on its investment after deduction of operating expenses and taxes.

Mr. F. M. Casal, assistant engineer of the Commission's engineering department, made a field investigation of applicant's system and operations and prepared an inventory and appraisal of applicant's telephone properties. The summary of appraised value, together with table showing revenue under present rates and expenses based upon data obtained during the investigation and applicant's comparative figures are set forth in the tables following:

VALUATION.

C. R. C. historical reproduction cost, operative property, undepreciated, as of March 1, 1926	$11,021 00
Company's book value as of December 1, 1925	13,191 12

OPERATING STATEMENT.

	C. R. C., Feb. 1, 1925, to Jan. 31, 1926, from investigation of company's books	*Company annual report for calendar year 1925*
Revenue—		
Exchange service revision	$3,403 50	$3,312 15
Expenses—		
Repairs of wire plant	$1,226 64	$1,237 36
Repairs of equipment	----------	1,316 01
Traffic expenses	1,171 66	1,134 72
General office salaries	270,00	390 00
Other general expenses	133 28	--------
Taxes	174 75	175 74
Totals	$2,976 33	$4,253 83
Net for interest and depreciation	$427 17	—$941 68
Depreciation	*350 00	
Net for interest	$77 17	

*Estimated—not shown in company's books.

Applicant does not, at the present time, own or maintain any telephone instruments by which service is furnished to subscribers. Applicant has requested, in its application, authority to file rates for rental of telephone instruments to be applied to an occasional subscriber who does not care to invest in an instrument or who does not desire to assume a burden in the form of maintenance of a telephone instrument

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which he feels should be borne by the telephone company. In the case of the telephone business wherein cooperation between users and the utility is necessary to make satisfactory service possible and where the action of a subscriber having the maintenance of a telephone instrument under his control is felt by all other users of the service, it does not appear that the best service can be rendered when responsibility for maintenance of equipment is divided between the telephone utility and its subscribers. We believe that applicant should remove such a condition in connection with its system by acquiring ownership in and assuming maintenance of all branch lines and telephone instruments connected to its system.

The acquisition by applicant of all telephone instruments and branch lines will result in an increased capital invested as well as increased operating expenses. The order following will provide for certain rate increases, conditional upon acquisition by applicant of all telephone instruments and branch leads connected to its system, which it appears will give applicant the revenue to which it is entitled.

The estimated rate base together with revenue and expenses for the year 1927, based upon an increase in business which past performance would indicate might reasonably be expected, and the rates set forth in Exhibit "A" attached to this application, are as follows:

RATE BASE—1927.

Valuation as of March 1, 1926	$11,021 00
Additions and betterments to July 1, 1927, including telephone instruments,	4,724 00
Working cash capital and materials and supplies	400 00
Average rate base for 1927	$16,145 00

ESTIMATED REVENUE AND EXPENSES—1927.

Assuming Rates and Conditions as Set Forth in Order in This Decision.

Expenses—	
Exchange service revenue.	
Subscribers' rentals	$5,307 00
Service connection charges	60 00
Total	$5,367 00
Revenue—	
Repairs of wire plant	$1,500 00
Depreciation	550 00
Traffic expenses	1,462 00
General office salaries	390 00
Other general expenses	150 00
Taxes	295 00
Uncollectibles	26 00
Total	$4,373 00
Net for interest	$994 00

In addition to rates for ten-party service, applicant requests authority to establish and collect rates for certain other service and equipment as enumerated elsewhere in this opinion. As the evidence shows that

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there is, or has been, a demand for individual line service, the order following will provide a rate for such service together with rates for certain additional equipment. It does not appear expedient at this time, however, to fix rates for two-party or four-party service as there is no evidence that a definite demand for such service exists. This is also true of common battery or central energy service and local service to be provided from pay stations. Rates for such service may be approved by this Commission at some future date.

At the present time The Pacific Telephone and Telegraph Company, which operates the telephone exchanges in Petaluma, furnishes telephone service in the primary rate area of the city of Petaluma, in a small area outside of and to the north and west of the city of Petaluma and in the suburban area to the east and southeast of Petaluma. Further, the Pacific Company does the central office operating for the Red Hill Telephone Company and the Chileno Valley Telephone Company, which companies operate to the south and southwest, respectively, of Petaluma. The territory served by the various companies operating in and around Petaluma are shown in the map of Exhibit "B" attached hereto. The Pacific Telephone and Telegraph Company will not furnish telephone service other than so-called farmer line service to the Petaluma Rural Telephone Company in the territory within which the Guglielmetti Telephone Company will operate as set forth in Exhibit "B" attached hereto.

ORDER.

Guglielmetti Telephone Company, applicant in this proceeding, having requested the Railroad Commission to make its order granting applicant permission to increase its rates for telephone service and to file and make effective rates and charges for certain new or additional telephone service, a public hearing having been held and the matter having been submitted and now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that applicant should own and maintain all outside telephone plant and telephone instruments used in its service and that under such conditions the existing rates for service are unjust and unreasonable in so far as they differ from the rates set forth in Exhibit "A" attached hereto and that the rates set forth in Exhibit "A" attached hereto are just and reasonable rates.

Basing its order on the foregoing findings of fact and on such other findings and statements of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that the Guglielmetti Telephone Company, after proper showing to the Railroad Commission that it has acquired ownership in, and assumed the maintenance of, all telephone instruments and all branch lines connected to its system and upon supple-

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mental order from the Railroad Commission, may modify its present rates for service to those shown in Exhibit "A" attached hereto.

It is hereby further ordered, that the Guglielmetti Telephone Company shall file with the Railroad Commission on or before October 1, 1926, maps showing the exchange area of the Guglielmetti Telephone Company as set forth in Exhibit "B" attached hereto.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of September, 1926.

EXHIBIT "A."

RATES FOR EXCHANGE SERVICE.

Exchange Service—Schedule No. A-1.

Suburban Service.

Applicable to flat rate suburban party line exchange service of not more than ten (10) parties per circuit within the territory served.

Rate.

(a) Station rate— Suburban service	*Rate per month per station* *Business service*	*Residence service*
Wall set	$1 80	$1 65
Desk set	2 05	1 90

(b) Switching rate—
This rate is The Pacific Telephone and Telegraph Company's switching rate in effect in its Petaluma exchange.

Conditions.

(1) The total charge will be the sum of the charges determined upon above rates (a) and (b).
(2) Under this schedule, the company owns and maintains all telephone lines and equipment including telephone instruments.

Exchange Service—Schedule No. A-2.

General Service.

Applicable to individual line business service within the territory served.

Rate.

(a) Station rate—	*Rate per month per station* *Wall set*	*Desk set*
Individual line business service	$0 50	$0 75
Extension station, with bell, on same premises as primary station	1 00	1 25
Extension station, without bell, on same premises as primary station	75	1 00

(b) Switching rate—
This rate is The Pacific Telephone and Telegraph Company's switching charge in effect in its Petaluma exchange.
(c) Mileage rate—
$0.50 for each one-quarter (¼) mile or fraction thereof per month per line.

Conditions.

(1) The total charge will be the sum of the charges determined under the above rates (a), (b) and (c).
(2) The mileage charge in the above rate (c) is based on the air line distance from the subscriber's primary station to the nearest point in the primary rate area boundary of the Petaluma exchange.
(3) Under this schedule, the company owns and maintains all telephone lines and equipment including telephone instruments.

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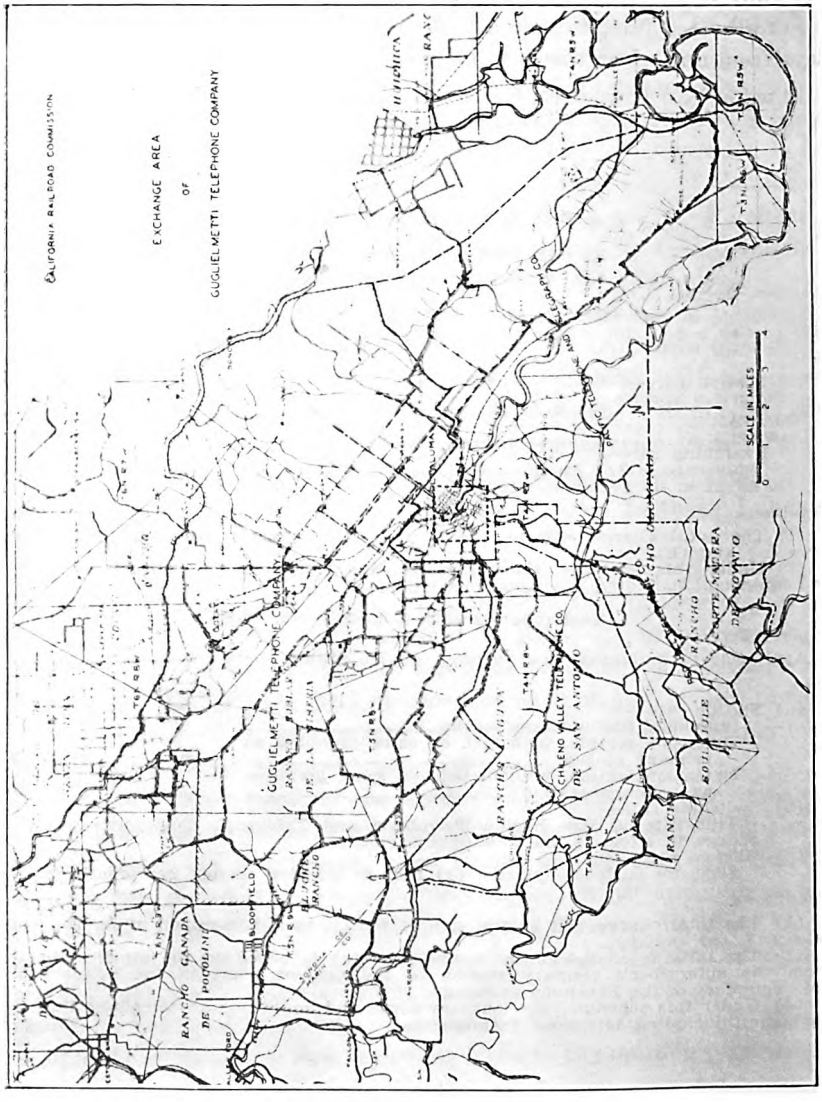
EXHIBIT "B."

EXCHANGE AREA.



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DECISION No. 17338.

IN THE MATTER OF THE APPLICATION OF THE LOS ALTOS WATER COMPANY FOR AUTHORITY TO INCREASE ITS RATES FOR WATER.

Application No. 12393.

Decided September 14, 1926.

RATES—WATER UTILITY—TO INCREASE.—New rates authorized that will produce revenue sufficient to meet maintenance, operating expenses, depreciation annuity and a reasonable return on the investment under the existing circumstances.

Robert M. Searles, for Applicant.
T. D. Landels, for Los Altos Club.
L. P. Forestell, in propria persona.
E. D. Landels, for Consumers.

BY THE COMMISSION.

OPINION.

Los Altos Water Company, a corporation, applicant in the above entitled proceeding, is engaged in the public utility business of supplying water for domestic and irrigation purposes in the unincorporated town of Los Altos and immediate vicinity, in Santa Clara County. The application alleges in effect that the present rates were established by the Railroad Commission in 1920 and that since that time a considerable sum of money has been expended in the improvement of the service and that the rates as established have not been sufficient to meet the operating expense, depreciation allowance, and a fair return on the investment. The Commission therefore is requested to authorize such increase in rates as will enable the company to realize a return of at least eight per cent upon its investment, over and above the costs of operation and a reasonable allowance for depreciation.

A public hearing in this proceeding was held before Examiner Austin at Los Altos, after all interested parties had been duly notified and given an opportunity to appear and be heard.

The water supply of this system is obtained from wells, from which water is pumped by electrically driven deep well pumps into a 60,000 gallon steel tank, and then distributed by gravity through approximately 39,000 feet of distribution mains varying in size from two to eight inches in diameter. At present there are approximately 300 domestic consumers on the system. A small amount of water is furnished for irrigation purposes. All service is rendered upon a metered basis.

The present schedule of rates charged on this system was established by this Commission in its Decision No. 8854, dated April 14, 1921, and is as follows:

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READINESS-TO-SERVE CHARGE FOR EACH METER IN USE.

Size meter	*Per month*
⅝-inch	$0 50
¾-inch	1 00
1-inch	1 50
1½-inch	2 50
2-inch	4 50
3-inch	8 00

FOR WATER DELIVERED.

Between 0 and 400 cubic feet, at 25 cents per 100 cubic feet.
Between 400 and 10,000 cubic feet, at 20 cents per 100 cubic feet.
Over 10,000 cubic feet, at 16 cents per 100 cubic feet.

NOTE.—The above quantity rates are in addition to the ready-to-serve charge.

R. E. Tremoureux, engineer for applicant, testified that the estimated original cost of the system as of December 31, 1925, amounted to $69,841.37, exclusive of any allowance for intangibles or working capital, that the operating expense for the year 1925 as shown by the company's books amounted to $7,793.41, and estimated the depreciation to be $1,247, computed by the 5 per cent sinking fund method.

A report was submitted by M. I. Reed, one of the Commission's hydraulic engineers, in which the original cost of the used and useful physical properties of the company was estimated to be $70,491 as of December 31, 1925. This estimate was based upon the value of this company's properties of $40,592 as of December 31, 1920, established by this Commission for rate fixing purposes in Decision No. 8854, to which were added the net betterments to capital installed subsequent to the end of the year 1925, amounting to $29,899. The corresponding depreciation annuity was given as $1,380.

The annual reports of this company as filed with the Railroad Commission set up the following figures for the operations during the years 1924 and 1925:

	1924	*1925*
Revenues	$11,087 45	$10,858 16
Expenses (including depreciation)	11,404 03	9,917 24
Net revenues	*$316 58	$940 92

*Deficit.

In the report of the Commission's engineer an analysis was made of the operating expenses for the years 1924 and 1925, which resulted in certain revisions and reductions being made in the expenses as set out above, from the annual reports filed by the company. These reductions were made for costs incurred during the year previous to entry in the books, and to certain extraordinary expenses which should not reasonably recur annually. The revised operating expenses exclusive of depreciation for 1924 were found to be $6,972, and $7,848 for 1925. These amounts contemplated reductions in the charges heretofore made by the company for management and general supervision, which, according to the testimony of the Commission's engineer, were

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considerably higher than warranted by the size of the plant and the number of consumers served.

On behalf of the consumers evidence was presented showing that for the purpose of encouraging the formation of a local water district to acquire this water system the company recently had prepared and distributed to the public reports and data purporting to show that the proposed district could operate the properties at a profit and could possibly reduce the then existing rates in the near future. These claims made by the company were not supported by sufficient evidence for rate fixing purposes, and in addition contemplated the lower costs of operation possible by district or municipal ownership by reason of the elimination of taxes and other charges and assessments which a public utility must pay and can not avoid.

It appears that the sum of $70,500 is a reasonable value of the used and useful physical properties of this system for rate fixing purposes at this time, and that the corresponding annual depreciation fund should be $1,300. We are convinced from the evidence that applicant has carried an excessive amount of overhead expense principally for general officers' salaries. It is unreasonable to expect the consumers of a utility supplying a small community to bear the burden of unnecessary official supervision. An allowance of $6,800 will be ample to cover all reasonable costs of operation and plant maintenance, and will also provide for the necessary increased expense by reason of the normal expansion of business due to the growth of the community.

The revenues for 1924 were $11,087, and $10,858 for 1925. Based upon the figures as determined above, the operations in 1924 resulted in a return of about 4.2 per cent, and in 1925 of approximately 3.9 per cent upon a rate base of $70,500.

The community served by this system includes many small tracts of land devoted mainly to fruit raising, as well as many fine homes with large lawns and gardens. The consumers therefore in certain sections of the system are widely scattered, a condition requiring a more extensive installation of pipe lines and equipment than would be needed to supply a more completely developed area. In commenting upon this condition in the recent rate proceeding brought by this company, the Commission in its Decision No. 8854, dated April 14, 1921 (19 C. R. C., 695, 697), stated as follows:

> Attention is directed to the fact, however, that this system was constructed in connection with a land sales project, and the territory has not yet reached a development equal to that for which the system was designed. Under the circumstances it would be unfair to applicant's present consumers to require them to pay rates sufficient to yield interest upon the entire cost of the system.

Although this company is not at present connected with any land sales project but is an entirely independent company, having acquired

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all parts of the water system formerly owned by the land company, yet the evidence indicates that the growth since the above rate proceeding has not been sufficient to materially alter the above finding.

The tabulation of water consumption on this system shows that approximately 65 per cent of the consumers use less than 1000 cubic feet per month, and that 77 per cent do not use in excess of 1500 cubic feet per month. This shows that under the present type of service charge rate structure a large number of small consumers are receiving water service at less than the cost of production and distribution. This condition may be corrected either by material increase of the service charge or by modifying the present rate structure to the fixed monthly minimum standard. It is considered that the latter change is more advisable in this case.

The schedule of rates established in the following order is designed to produce revenue sufficient to meet maintenance and operating expenses, depreciation annuity, and a reasonable return on the investment under the existing circumstances.

ORDER.

Los Altos Water Company, a corporation, having made application to the Railroad Commission as entitled above, a public hearing having been held thereon and the matter having been submitted:

It is hereby found as a fact that the rates now charged by the Los Altos Water Company, a corporation, for water supplied to its consumers in and in the vicinity of the unincorporated town of Los Altos, Santa Clara County, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered; and basing its order on the foregoing findings of fact and on the further statements of fact contained in the preceding opinion;

It is hereby ordered, that Los Altos Water Company, a corporation, be and it is hereby directed to file with this Commission within twenty days from the date of this order the following schedule of rates for water delivered to consumers in and in the vicinity of Los Altos, Santa Clara County, subsequent to September 30, 1926.

MONTHLY MINIMUM.

Size meter	*Per month*
⅝-inch	$1 50
¾-inch	2 00
1-inch	3 00
2-inch	4 00
3-inch	6 00
4-inch	10 00

The foregoing monthly minimum entitles the consumer to the amount of water which the monthly minimum purchases at the monthly metered rates set out as follows:

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MONTHLY METER RATES.

0 to 500	cubic feet, per 100 cubic feet	$0 30
500 to 1,500	cubic feet, per 100 cubic feet	25
1,500 to 10,000	cubic feet, per 100 cubic feet	20
Over 10,000	cubic feet, per 100 cubic feet	16

It is hereby further ordered, that Los Altos Water Company, a corporation, be and it is hereby directed to file with this Commission within thirty days from the date of this order rules and regulations to govern its relations with consumers in and in the vicinity of Los Altos, Santa Clara County, such rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California this fourteenth day of September, 1926.

DECISION No. 17339.

IN THE MATTER OF THE APPLICATION OF FAY WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO INCREASE ITS RATES, OR IF SUCH ORDER IS NOT MADE, FOR AN ORDER PERMITTING IT TO DISCONTINUE THE BUSINESS OF SUPPLYING WATER TO THE PUBLIC.

Application No. 12576.

Decided September 14, 1926.

RATES—WATER UTILITY—TO INCREASE.—Application granted.

A. E. Campbell, for Applicant.
S. B. Wright, for A. B. Ruda.
Jerry H. Powell, for Union Oil Company of California.

BY THE COMMISSION.

OPINION.

Fay Water Company, a corporation, applicant herein, is a public utility water company engaged in the business of supplying water for domestic and commercial purposes in and in the vicinity of Port San Luis, San Luis Obispo County.

Applicant alleges in effect that the present rate schedule does not provide sufficient revenue to meet operating expenses, depreciation, and a fair return upon the capital invested. It therefore requests the Commission to authorize the schedule of rates set out in the application herein, or such other schedule of rates as shall be found just and reasonable for the service rendered, or to permit the utility to discontinue the business of supplying water to the public.

A public hearing in this proceeding was held before Examiner Austin in San Luis Obispo, after all interested parties had been duly notified and given an opportunity to appear and be heard.

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The water system of the Fay Water Company consists of a number of small dams which divert surface water into tanks from which deliveries are made by gravity to the consumers. During the summer months the supply is augmented by pumping from wells.

This water company has but three consumers who use large quantities of water: The Union Oil Company of California, operating a large oil refinery and shipping port; dock service for vessels entering Port San Luis; and one Tony Ruda, who obtains his entire water supply for the small public utility water system owned and operated by him and used to supply the town of Avila. All water is delivered on a metered basis. During the year 1925 the service rendered by this company was distributed as follows:

Union Oil Company	44%
Tony Ruda	13%
Dock or shipping service	43%

The present schedule of rates for water service is in part as follows:

METER RATES.

Union Oil Company:	
Avila refinery and pumping station, per 1000 gallons	$0 25
For its port works, per 1000 gallons	20
For all boats, per 1000 gallons	75
For resale to Avila, per 1000 gallons	20

MONTHLY MINIMUMS.

Refinery and pumping station	None
Port works	None
Cottages and offices of Union Oil Company	$1.80 to $2.50
For boats	None
For resale to Avila	$20.00

From the above rates to the boats, 15 per cent is paid to Pacific Coast Railway Company for use of their docks and 10 per cent is paid in commission to collector for all boats supplied.

The applicant in this proceeding claims that the book value of the water system, lands and rights of way amounted to $95,360.77 as of December 31, 1925, excluding the cost of drilling wells which have been abandoned and the value of a pumping site not owned by applicant but which is now being used for water production. It is further stated that the operating expenses for the year 1925 were $3,730.53, that the depreciation annuity computed by the straight line method amounted to $3,126.45, and that revenues from the sale of water amounted to $3,003.42.

A report was submitted by M. I. Reed, one of the Commission's engineers, embracing the results of a field investigation, an analysis of the company's capital investment, and a study of the maintenance and operating expenses. This report sets forth that the Commission's engineering department, in connection with Application No. 1604, submitted an inventory and appraisal of the property as of January 1,

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1915, totaling $72,000 for the lands, rights of way, physical property and miscellaneous equipment. Additions and betterments to January 1, 1926, amounted to $23,361. Certain of the lands of the company included in the above appraisal were shown to be nonoperative at this time and a deduction of $40,000 was therefore made. A depreciation annuity was found to be $956, based upon the sinking fund at 5 per cent. Analysis of the operating expenses shows that the company expended $3,730 for the year 1925.

The estimates of the physical properties submitted by the applicant and by the Commission's engineer do not include any allowance for the amount spent in the development of water supply located in Dairy Canyon. A number of wells were drilled and prospected, which subsequently failed. The net loss on account of the failure of this property amounted to approximately $10,000. On account of the financial condition of the company, one of the directors purchased a new pumping site in the vicinity of the Sulphur Springs well, and the applicant has installed a well and pumping equipment thereon. A portion of the cost of the new development and the development in Dairy Canyon undoubtedly has value which should be considered as an investment made by the company in its effort to procure an adequate and satisfactory supply of water. A consideration of the evidence as to the cost of the physical properties and the possible deductions to be made for nonoperative land, together with the addition of a reasonable amount for cost of obtaining a sufficient supply, indicates that a reasonable rate base for the purposes of this proceeding is $60,000 and that the sum of $956 is a reasonable allowance to cover the depreciation annuity on the operative properties.

It is apparent that the operating expenses are higher than would normally be expected in a system delivering the amount of water produced by this utility which is in some measure accounted for by the fact that a large portion of the investment in the plant and the major portion of the operating expenses are necessary in order to properly meet the unusual service demands of the Union Oil Company of California. The water system is designed to care for the maximum demands of this company's refinery and port works, as well as all other service requirements. The oil company's demands are not uniform but occur at irregular hours, and therefore make it necessary for the utility to hold itself in readiness to operate the system to full capacity at all times during day or night. Water is required in very large quantities for short periods at irregular intervals. The amount of water required is dependent further upon the operations of the refinery and if the refinery is not functioning on a production basis, the revenue from this source is nominal. The boats of the Union Oil Company appear at irregular intervals and require the maximum supply of the utility's

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facilities for short periods of time. Although the total quantity of water delivered is not as great as the system could properly deliver to consumers requiring normal and uniform service, yet the necessity of providing equipment and storage facilities capable of delivering a large volume of water at irregular hours upon demand obviously increases the cost of operation. This service is somewhat comparable to standby fire service, which requires the constant readiness to deliver a large volume of water whenever the necessity arises. It appears therefore that the sum of $3,750 is a reasonable amount for the maintenance and operating expense for the immediate future.

One Tony Ruda purchases water from the Fay Water Company and redistributes it to consumers residing in Avila, a community adjacent to the properties of the Union Oil Company in this vicinity. A protest was entered by Ruda against the hearing of this application and its disposition by the Commission on the ground that the Fay Water Company had not notified the consumers obtaining water from the system which he operates. The record, however, shows that applicant has fully complied with all the requirements of the Public Utilities Act and the rules of this Commission relative to service of notice, and that Ruda as a consumer of this water company was given due and timely notice of the date and place set for hearing of this matter. The Commission has carefully considered this protest and is convinced that it is without merit.

The revenues from the sales of water for the year 1925 were $3,003. The annual operating expenses and depreciation allowances as set out herein total $4,706, which indicates that this company is operating at a considerable financial loss. Undoubtedly this water system was not soundly conceived from a business standpoint and under present conditions of service the Commission would not be warranted in fixing a rate which, in addition to producing costs of operation and depreciation, would also yield a full return upon the investment.

The present rate schedule does not provide for a standby charge to cover the fixed costs which can not be avoided even when no demands are being made upon the system for water. The unusual service demands obtaining on this system necessitate a rate structure providing for a fixed monthly minimum charge commensurate with the requirements which the utility must stand ready at all times to meet. The schedule of rates established in the following order is designed to produce maintenance and operating expenses, a depreciation annuity, and also to provide such a return upon the investment in operative lands, rights of way and physical property as is considered reasonable under the existing circumstances.

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ORDER.

Fay water Company, a corporation, having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, and the matter having been submitted:

It is hereby found as a fact that the rates now charged by Fay Water Company, a corporation, for water supplied to its consumers in and in the vicinity of Port San Luis, San Luis Obispo County, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered; and basing its order on the foregoing findings of fact and on the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that Fay Water Company, a corporation, be and it is hereby directed to file with this Commission within twenty days from the date of this order the following schedule of rates for water delivered to consumers in and in the vicinity of Port San Luis, San Luis Obispo County, subsequent to July 31, 1926:

	Monthly minimums
Union Oil Company:	
Avila refinery	$350 00
Port works	50 00
Wharf or office flat rate	4 00
Cold storage plant	4 00
Cottage at cold storage plant	2 00
Ballast tank	5 00
All boats at boat schedule.	
All boats, per boat	20 00
Tony Ruda, for resale to the community of Avila	15 00

The above monthly minimums will entitle the consumer to that amount of water which the monthly minimum will purchase at the following meter rates:

0 to 50,000 gallons, per 1000 gallons	$0 30
Above 50,000 gallons, per 1000 gallons	25

It is hereby further ordered, that Fay Water Company, a corporation, be and it is hereby directed to file with this Commission, within thirty days from the date of this order, rules and regulations to govern relations with its consumers in and in the vicinity of Port San Luis, such rules and regulations to become effective upon their acceptance by the Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fourteenth day of September, 1926.

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DECISION NO. 17341.

IN THE MATTER OF THE APPLICATION OF I. W. LAMPMAN, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF MAGNOLIA PARK WATER COMPANY, FOR AN INCREASE OF RATES.

Application No. 12828.

Decided September 15, 1926.

RATES—WATER UTILITY—TO INCREASE.—Finding that the metering of the system will result in a reduction of the revenue of the utility, it is ordered that the present flat rates be continued and that meter rates be adjusted to maintain an adequate revenue, and not curtail consumption unduly.

George L. Hampton, for Applicant.
LeRoy Thomas, for Consumers and Magnolia Park Improvement Association.

BY THE COMMISSION.

OPINION.

This is a proceeding brought by I. W. Lampman, doing business under the firm name of Magnolia Park Water Company, who requests the Railroad Commission to authorize an increased schedule of rates to be charged for water supplied to his consumers in and in the vicinity of Magnolia Park in Los Angeles County.

The application herein alleges in effect that the present rate schedule under which this company operates has a flat rate of $1.50 per month and a monthly minimum rate for metered service of $1 for a $\frac{5}{8}$-inch meter, entitling the consumers to 500 cubic feet of water; that the district served by applicant in most cases comprises small tracts of land varying in size from one-quarter to one-half acre; that there is a considerable waste of water at present on the service rendered at a flat rate, for which reason it is desired to meter all water sold. It is further alleged that the present monthly minimum rate for metered service of $1 is too low to produce a reasonable return upon the investment when the system is fully metered, and the Commission is therefore requested to increase the present minimum meter rate to $1.50 per month for 700 cubic feet of water.

A public hearing in this matter was held before Examiner Williams at Los Angeles, after all interested parties had been duly notified and given an opportunity to be present and be heard.

This water system was installed in 1922 and 1923 to aid in the sale of lots in tracts Nos. 5527, 4753 and 4936 in Los Angeles County. The water supply is obtained by pumping from a 14-inch cased well 264 feet deep, from which water is elevated into a 25,000-gallon storage tank, 40 feet above the ground surface, and thereafter distributed by gravity to the consumers. There are 716 lots in the territory served by applicant, only 176 of which now receive service. The distribution system consists of about 57,634 feet of mains varying from 2 inches to 10 inches in diameter, making an average of 327 feet of main per service, a fact indicating a territory not fully developed.

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The following schedule of rates now in effect was established by the Railroad Commission in its Decision No. 13458, dated April 23, 1924, in which a certificate of public convenience and necessity was granted for the operation of this system as a public utility, and is as follows:

MONTHLY MINIMUM METER RATES.

⅝-inch meter	$1 00
¾-inch meter	1 25
1-inch meter	1 75
1½-inch meter	2 25
2-inch meter	4 00
3-inch meter	8 00
4-inch meter	12 00

Each of the foregoing monthly minimum meter charges shall entitle the consumer to the quantity of water which that amount of money would purchase at the following monthly meter rates.

MONTHLY METER RATES.

From 0 to 500 cubic feet, per 100 cubic feet	$0 20
From 500 to 3,000 cubic feet, per 100 cubic feet	15
All over 3,000 cubic feet, per 100 cubic feet	12

MONTHLY FLAT RATE.

Service to house and lot	$1 50

An investigation of this system and a report thereon was made by F. H. Van Hoesen, one of the Commission's hydraulic engineers, in which the estimated original cost of the present operative properties was found to be $38,779 as of June 1, 1926, and the depreciation annuity $958, computed by the sinking fund method at 6 per cent. The sum of $2,410 was estimated to be a reasonable allowance for maintenance and operation expenses for the immediate future, based upon present operating methods and conditions.

No appraisal of the utility was presented by applicant, although the application in this proceeding sets forth in Exhibit "A" therein that the book value of the properties amounted to $40,313.02 as of April 1, 1926. The figures presented by the Commission's engineer are fair and reasonable and will be used for the purposes of this proceeding.

Based upon the foregoing figures the operations for the year 1925 in which the total revenues amounted to $4,507, resulted in a net return to the utility of slightly less than 3 per cent upon a rate base of $38,799.

A study of the territory served by this utility shows that the present distribution facilities are larger than required by the present number of consumers for normal service, the plant having been installed primarily for the purpose of aiding in the sale of lots. It would be unreasonable therefore to compel the present consumers to pay a rate which would yield a full return upon the entire investment, designed to accommodate the demands of a far greater population. However, in view of the fact that it is the intent of applicant to fully

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meter this system, which will result in considerable expense both for the purchase and installation of the necessary meters, as well as the cost of reading and maintaining them, and as the use of meters, while to some extent decreasing operating expenses by reducing the quantity of water used, will under the present meter rates seriously curtail the revenues, the present flat rate will therefore be continued in effect, and a readjustment made in the schedule of metered rates that will maintain the present revenues and provide the consumers a liberal quantity of water. The revenues to be produced by the rates established in the following order will provide a fair net return upon that portion of the system reasonably necessary to serve the community with proper allowance for its future growth.

ORDER.

I. W. Lampman, doing business under the firm name and style of Magnolia Park Water Company, having applied to the Railroad Commission for an order authorizing an increase in the rates charged for water supplied to his consumers in and in the vicinity of Magnolia Park in Los Angeles County, a public hearing having been held thereon, the matter having been submitted and the Commission now being fully apprised in the premises:

It is hereby found as a fact that the present rate schedule of I. W. Lampman, in so far as it differs from the schedule herein established, is unjust and unreasonable, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

Basing its order upon the foregoing finding of fact and upon the further statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that I. W. Lampman be and he is hereby directed to file with this Commission, within twenty days from the date of this order, the following schedule of rates to be charged for all water delivered to consumers subsequent to September 30, 1926:

MONTHLY FLAT RATE.

Service to house and lot	$1 50

MONTHLY MINIMUM METER RATES.

⅝-inch meter	$1 50
¾-inch meter	1 75
1-inch meter	2 00
1½-inch meter	2 75
2-inch meter	3 50
3-inch meter	10 00
4-inch meter	14 00

Each of the foregoing monthly minimum meter charges shall entitle the consumer to the quantity of water which that amount will purchase at the following monthly meter rates:

MONTHLY METER RATES.

0 to 700 cubic feet, per 100 cubic feet	$0 214
700 to 3,000 cubic feet, per 100 cubic feet	15
All over 3,000 cubic feet, per 100 cubic feet	12

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It is hereby further ordered, that I. W. Lampman file with the Railroad Commission within thirty (30) days from the date of this order, revised rules and regulations to govern his relations with consumers, such rules and regulations to become effective upon their acceptance for filing by this Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of September, 1926.

DECISION No. 17344.

IN THE MATTER OF THE APPLICATION OF AARON BUCHHEIM, DOING BUSINESS AS THE BUCHHEIM WATER COMPANY FOR PERMISSION TO SELL, AND OF SAN JUAN WATER COMPANY, A CORPORATION, FOR PERMISSION TO PURCHASE THE WATER PLANT OPERATED BY AARON BUCHHEIM AS A PUBLIC UTILITY IN THE TOWNSITE OF SAN JUAN BY-THE-SEA, ORANGE COUNTY, CALIFORNIA AND FOR PERMISSION FOR SAN JUAN WATER COMPANY TO ISSUE THREE SHARES OF ITS CORPORATE STOCK TO ITS INCORPORATING DIRECTORS.

Application No. 13071.

Decided September 17, 1926.

TRANSFER—WATER UTILITY—STOCK—TO ISSUE.—Transfer of the water property of Aaron Buchheim to San Juan Water Company authorized. Sale of three shares of capital stock to finance organization expenses, also authorized.

R. H. Nicholson, for Aaron Buchheim.
Overton, Lyman and Plumb, by *L. K. Vermille,* for San Juan Water Company.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing Aaron Buchheim, doing business under the firm name and style of Buchheim Water Company, to sell a certain public utility water plant and business to San Juan Water Company, a corporation, and authorizing San Juan Water Company, a corporation, to issue and sell three shares of its capital stock of the aggregate par value of $300, at par for cash to its incorporators.

The properties to be transferred include a certificate of public convenience and necessity granted by the Commission by Decision No. 15186, dated July 16, 1925, as modified by Decision No. 15828, dated December 31, 1925, permitting the construction and operation of a water system in blocks 41 to 54, inclusive, in the townsite of San Juan by-the-Sea, Orange County; a franchise (Ordinance No. 246) passed by the board of supervisors of Orange County on July 16, 1925; and all of the physical properties comprising the system. An estimate of the original cost of the physical properties, prepared by R. H. Nicholson, consulting engineer, was filed in Application No. 11016 and by

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consent of applicants is considered in evidence in this proceeding. This estimate, summarized, is as follows:

Organization	$800 00
Landed capital	1,000 00
Buildings	1,121 00
Wells	1,602 00
Collecting reservoir	844 00
Pumping equipment	4,077 00
Distribution mains	10,295 00
Distribution reservoir	330 00
Services	61 00
Miscellaneous distribution equipment	200 09
Materials and supplies	50 00
Total	$20,380 00

The record shows that Aaron Buchheim and San Juan Water Company, have entered into an agreement, by the terms of which the corporation agrees, in consideration for the transfer of the properties, to pay Aaron Buchheim $15,000 in cash and in addition to furnish him water for irrigation purposes to be used by him personally on property owned by him in blocks 41, 42, 43, 48, 49, 50 and 51 in the townsite of San Juan by-the-Sea, so long as a surplus exists over and above the requirements of the customers of the water system for domestic purposes, but in no event for a period longer than five years from the date of the agreement, July 28, 1926, such service to be furnished at the rate of 5 cents per 100 cubic feet. The agreement reads in part as follows:

> That in the furnishing of such water for irrigation purposes it is understood that the only rate of the company for the furnishing of water for either irrigating or domestic purposes are those shown on the schedule heretofore filed with the Railroad Commission of the State of California * * * which schedule is to be continued in effect until modified by said Railroad Commission and that the difference between the established rate for irrigating water and the sum of five cents per one hundred cubic feet to be paid for irrigating water * * * shall be considered as *additional consideration for the transfer and conveyance* of the water plant and system * * *.

The rate referred to in the agreement (Exhibit "E") is substantially less than the rates now on file with the Commission and will result in a preferential rate to Aaron Buchheim. We do not believe that the approval of the agreement is in the public interest. The parties in interest should agree upon a definite fixed price for the properties. The order herein will authorize the transfer of the properties for $15,000 in cash. If the parties conclude that such price is not adequate they may file a supplemental application and submit a new price.

San Juan Water Company reports that it will obtain the $15,000 of cash needed to purchase the system from its incorporators, and that hereafter it will probably file an application for permission to refund these advances. At present, however, it is asking permission to issue only three shares of stock, of the par value of $100 each, which it will

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deliver to its incorporators at par for cash. It reports that it will use the proceeds to pay organization expenses.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of a public utility water system and the issue of stock, a public hearing having been held before Examiner Williams, and the Railroad Commission being of the opinion that the application should be granted as herein provided, and that the issue of stock is reasonably required;

It is hereby ordered, that Aaron Buchheim, doing business under the firm name and style of Buchheim Water Company, be and he hereby is authorized to sell and transfer to San Juan Water Company, a corporation, for the sum of $15,000, the properties and business referred to in the foregoing opinion and in this application.

It is hereby further ordered, that San Juan Water Company, a corportation, be and it hereby is authorized to issue and sell at par, for cash, three shares of its capital stock of the aggregate par value of $300 and to use the proceeds to pay organization and incorporation expenses.

The authority herein granted is subject to the following conditions:

1. Aaron Buchheim shall file with the Commission, within thirty days after execution, a certified copy of the deed conveying to San Juan Water Company the properties herein authorized to be transferred, and shall at the same time advise the Commission of the exact date upon which he relinquished control and possession of such properties.

2. The authority herein granted to transfer properties is not to be construed as a finding of value of such properties for the purpose of fixing rates or any purpose other than this transfer.

3. San Juan Water Company shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this seventeenth day of September, 1926.

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DECISION No. 17350.

IN THE MATTER OF THE APPLICATION OF PENINSULAR RAILWAY COMPANY, A CORPORATION, TO ABANDON CERTAIN OF ITS FRANCHISES AND TRACKS IN AND ABOUT THE CITY OF PALO ALTO, CALIFORNIA.

Application No. 9951.

Decided September 20, 1926.

TRANSPORTATION SERVICE—AUTO BUSSES—TO ABANDON.—Applicant authorized to continue operation of busses in Palo Alto for one year, with permission to discontinue operation thereof upon 90 days' notice to city officials, if revenues are inadequate.

BY THE COMMISSION.

SUPPLEMENTAL ORDER.

Joint petition having been made in the above entitled matter by the Peninsular Railway Company and the city of Palo Alto for an order supplemental to this Commission's Decision No. 15056; the parties appearing to be in agreement as to the terms and provisions of said supplemental order so requested, and good cause appearing for the granting of such order;

It is hereby ordered, that the Peninsular Railway Company, subject to the conditions enumerated in this Commission's Decision No. 15056, be and it hereby is authorized to continue the operation of auto busses in the city of Palo Alto, California, for one year from September 28, 1926, provided, however, that if it shall appear to applicant Peninsular Railway Company that the revenues resulting from such service are not sufficient to pay operating expenses, depreciation on busses, taxes, and 6 per cent on the investment required, applicant Peninsular Railway Company may at any time discontinue said service upon giving ninety days' notice, in writing, to the mayor and city engineer of applicant the city of Palo Alto of its intention to abandon such operation of busses.

It is hereby further ordered, that the order heretofore made in this application shall remain in full force and effect, except as modified by this supplemental order.

Dated at San Francisco, California, this twentieth day of September, 1926.

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DECISION No. 17357.

IN THE MATTER OF THE COMPLAINT OF MOORPARK FARMERS WATER COMPANY, FOR A RESTRAINING ORDER AGAINST A. H. HITCH SELLING WATER.

Case No. 2224.

Decided September 21, 1926.

JURISDICTION—WATER UTILITY—DEDICATION.—Finding that defendant had never dedicated his plant to public service the Commission dismisses the complaint of alleged illegal service, because of lack of jurisdiction.

Gibson, Dunn and Crutcher, by *Paul R. Warkins*, for Complainant.
Clarke and Bowker, by *Don G. Bowker*, for Defendant.
Edward Henderson, for County of Ventura.

BY THE COMMISSION.

OPINION.

In this complaint, the Moorpark Farmers Water Company, a corporation, supplying water as a public utility in and in the vicinity of Moorpark, in Ventura County, requests the Commission to restrain A. H. Hitch from selling water to the Ventura County Water Works District No. 1, or to any other consumers. The complaint alleges in effect that one of the company's principal purchasers of water is the Ventura County Water Works District No. 1; that complainant has an ample supply of water which is permanent and in excess of present or anticipated needs of all of its consumers; that defendant A. H. Hitch plans to develop wells and construct a distribution system for the purpose of selling water to said district and some other of complainant's customers, which will deprive complainant of revenue and income necessary for the successful prosecution of its business as a public utility. The Commission therefore is asked to restrain said A. H. Hitch from selling water to the county of Ventura, or to the said Ventura County Water Works District No. 1, or to any other of complainant's consumers.

Defendant by way of answer denies generally the allegations set out in the complaint and alleges that the Ventura County Water Works District No. 1 is desirous of securing water from his wells; that his water supply is ample and of good quality and suitable for domestic use, whereas the water of complainant is impure and so highly impregnated with minerals as to render it unfit for human consumption; that his wells are so located that water can be pumped directly into the district's reservoir, from which it may be delivered by gravity throughout the distribution system of said district without the necessity of additional pumping, whereas the water furnished by complainant must be pumped at considerable expense by said district before it can be delivered to its consumers; that complainant has only furnished

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water to said district for approximately eight months, as an emergency measure, and that defendant has entered into a contract with said district to supply water for its requirements until said district can provide or acquire a permanent water supply of its own. Wherefore the Commission is requested to dismiss the complaint.

The county of Ventura has intervened in this proceeding and also filed an answer on behalf of the Ventura County Water Works District No. 1. This answer, in general, covers the same matters set up by defendant, and among other things alleges that the water supply of A. H. Hitch is more desirable to the consumers of the district's water system, especially for domestic use, and that the cost of the necessary installations to secure water from the Moorpark Farmers Water Company was far more expensive than would be required to receive water from defendant Hitch. The Commission is asked to deny the request of complainant herein.

A public hearing in this matter was held at Moorpark before Examiner Williams, after all interested parties had been duly notified and given an oportunity to appear and be heard.

The Moorpark Farmers Water Company has been engaged for several years in the business of distributing water as a public utility, mainly for irrigation purposes, in the Moorpark District, in Ventura County. The water supply is obtained from wells located in Arroyo Simi. The Ventura County Water Works District No. 1 is a duly organized district existing under the laws of this state and was organized primarily for the purpose of supplying adequate water for domestic use to the people residing within the district, which embraces territory in and in the vicinity of Moorpark. As a result of the recent failure of its wells the district, according to the testimony, entered into an agreement with the Moorpark Farmers Water Company, complainant herein, to supply to said district in wholesale quantities the water necessary to satisfy the demand of its consumers for domestic water. This agreement provided a rate for the services to be rendered and was filed with and approved by this Commission. Water was thereafter delivered to the district under the above agreement for a period of approximately eight months.

About a year ago A. H. Hitch, a resident of Moorpark, drilled a well upon his ranch properties situated not far from the town and procured an abundant supply of water which it is claimed is softer and of a much better quality for domestic and household use than the water supplied by the wells of complainant. Thereafter on the second day of March, 1926, an agreement was entered into by and between A. H. Hitch and the board of supervisors of Ventura County as representatives of the water district, wherein it was agreed that the district would take its entire domestic water supply from Hitch at a fixed price and

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said Hitch agreed to supply the water for a period of one year with the option of discontinuing service at the end of this period. Subsequent to the making of the above agreement and upon the completion of the necessary connecting pipe lines the district discontinued the purchase of water from the Moorpark Farmers Water Company and secured its entire supply from defendant A. H. Hitch.

The evidence shows that complainant has a sufficient supply of water to satisfy all reasonable requirements of the district. Considerable controversy arose during the hearing of this matter as to the quality of the water supplied by complainant and the adequacy of defendant's supply. However, a consideration of the vital points involved herein indicates that the determining issue is whether or not defendant had dedicated his water supply to the public use, and if so, whether by so doing said defendant has improperly invaded the territory heretofore supplied by complainant.

It is the contention of counsel for complainant that defendant Hitch has so dedicated his supply to the public use and is operating as a public utility without proper sanction of this Commission; that the contract entered into by defendant with the county board of supervisors to supply water to the district, while setting forth therein that such service is temporary and for purposes of accommodation only, is in fact a mere subterfuge by means of which the attempt is made to avoid the duties and liabilities of a public utility. It is further contended that the sale of water by Hitch to the County Water District for resale and general distribution constitutes a dedication of defendant's water supply to the public and renders defendant a public utility as to such service and subject to the jurisdiction and regulation of the Railroad Commission by the specific provisions of section 2 (*dd*) of the Public Utilities Act, which in part reads as follows:

> Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act.

Counsel for the defendant and for the intervener, the county of Ventura, take the position that the water supply heretofore used by the water district having failed, it thereupon became necessary for the district to provide at once a new source of water supply to take care of the requirements of its consumers for domestic water; that it has been and now is the policy of the district and the desire of the water users residing within said district to own and control its water supply; that pending the acquisition of such a supply the district was necesssarily

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under the duty of acquiring temporarily sufficient water to meet its requirements; that the water obtained from the wells of defendant A. H. Hitch was more desirable to the consumers from the standpoint of potability and could be obtained at less financial outlay upon the part of the district than water from complainant; that the contract entered into by and between A. H. Hitch, defendant, and the county of Ventura for the supply of water to the district is temporary in character and for the purposes of accommodation only, and that such service is specifically exempt from the jurisdiction of the Railroad Commission under the provisions of the Act for the Regulation of Water Companies, section 1, chapter 80, Statutes 1913, as amended by Statutes of 1923, chapter 172, which in part reads as follows:

> *provided, however*, that whenever the owner of a water supply not otherwise dedicated to public use and primarily used for domestic purposes by such owner or for the irrigation of such owner's lands, shall sell or deliver the surplus of such water for domestic purposes or for the irrigation of adjoining lands, or whenever such owner shall, in an emergency water shortage sell or deliver water from such supply to others for a limited period not to exceed one irrigation season, or whenever such owner shall sell or deliver a portion of such water supply as a matter of accommodation to neighbors to whom no other supply of water for domestic or irrigation purposes is equally available then such owner shall not be subject to the jurisdiction, control and regulation of the railroad commission of the State of California.

The agreement between defendant Hitch and the county of Ventura, entered into March 2, 1926, for the supplying of water to said district provides, among other things, that Hitch will supply water for a period of one year at the rate of 12 cents for each 540 gallons, with the option at the end of said period of discontinuing the service; that Hitch will incur no liability for failure to deliver an adequate supply or for inability to furnish water because of the condition or state of repair of the wells or equipment and that Hitch shall have reserved the right to use water from the wells for domestic and irrigation purposes upon his own property provided such use does not interfere with the needs of the district. Upon the face of this instrument it is set out that the contract is entered into by the county of Ventura as an emergency measure to secure water for the district; that Hitch is supplying the water as a neighborly act and as an accommodation, and that it is not the intention of either party to the contract to dedicate to the public use the water from said wells by reason of the carrying out of the provisions or the terms thereof.

The testimony clearly shows that the water supply owned by defendant Hitch had never been dedicated to the public use at any time prior to March 2, 1926, the date he entered into the agreement with the county supervisors to supply water to District No. 1, and according to the evidence defendant has supplied water for compensation to only one consumer, to wit, Ventura County Water Works District No. 1.

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From the provisions of the above contract the expressed intent was to avoid a dedication of this water to the public use and was for temporary purposes only until such time as the water district could acquire a permanent supply of its own. The subsequent acts of defendant show that up to the present time no other consumers have been served water from his system and that he has not held himself out to supply the public generally or any portion thereof other than the one consumer, District No. 1. This particular service has not been rendered by defendant long enough to warrant the Commission at this time in declaring that it is other than temporary and for purposes of accommodation. The Commission is of the opinion that the water service being rendered by defendant A. H. Hitch at this time does not constitute a dedication of the water so served to the public use and the Commission therefore is without jurisdiction to proceed further into this inquiry.

ORDER.

Moorpark Farmers Water Company having made application as entitled above, a public hearing having been held thereon, the matter having been submitted, the Commission being now fully informed in the premises, and it appearing that this Commission possesses no jurisdiction over the subject matter in the petition herein under the provisions of the Act for Regulation of Water Companies, chapter 80, Statutes 1913, as amended by Statutes 1923, chapter 172; now therefore,

It is hereby ordered, that the above entitled complaint be and it is hereby dismissed, without prejudice, for want of jurisdiction.

Dated at San Francisco, California, this twenty-first day of September, 1926.

DECISION No. 17358.

COAST ROCK AND GRAVEL COMPANY, A CORPORATION,

vs.

SOUTHERN PACIFIC COMPANY, A CORPORATION, AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION.

Case No. 2214.

Decided September 21, 1926.

RATES—STEAM RAILROAD—ROCK AND GRAVEL—REPARATION—SWITCHING CHARGES.—It is found that the practice of Southern Pacific Company of absorbing the bridge switching charges of the Santa Fe Company in the line haul rate on shipments from Niles and Livermore, but refusing to do so on shipments From Eliot to China Basin is discriminatory. Such practice ordered discontinued, and reparation awarded complainant in the amount of $6.20 per carload, or the amount of the switching charges collected.

Sanborn, Roehl and DeLancey C. Smith, for Complainant.
F. W. Mielke, for Southern Pacific Company.
Platt Kent and *Berne Levy*, for The Atchison, Topeka and Santa Fe Railway Company.

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Seth Mann, for San Francisco Chamber of Commerce, in behalf of Complainant.
A. Larsson, for Larsson Traffic Service, in behalf of Complainant.
W. T. Plunkett, for State Board of Harbor Commissioners.

BY THE COMMISSION.

OPINION.

Complainant is a corporation with its principal place of business in San Francisco.

By complaint filed February 16, 1926, and as modified at the hearing, it is alleged that the total charges assessed and collected on various carloads of crushed rock, sand and gravel moving during the period February 16, 1924, to February 16, 1926, from Eliot, on the Southern Pacific Company, to a point designated as track 29, located near pier 50 on the Atchison, Topeka and Santa Fe Railway in the China Basin district at San Francisco, were unreasonable, excessive and unjust, in violation of section 13 of the Public Utilities Act, and subject complainant to undue prejudice, disadvantage and discrimination, in violation of section 19 of said act to the extent they exceeded the charges that would have accrued at a rate of 50 cents per ton of 2000 pounds. Charges were assessed at 50 cents per ton, the line haul rate of the Southern Pacific, Eliot to San Francisco, plus two San Francisco switching charges, the Santa Fe of $2.70 per car and the State Belt Railroad of $3.50 per car.

We are asked to award as reparation the switching charges collected in the amount of $6.20 per car and to prescribe a reasonable and nondiscriminatory rate for the future.

Public hearings were held before Examiner Geary at San Francisco May 6, 8, and 14, 1926, and the case having been duly submitted upon oral argument is now ready for our opinion and order.

The shipments here at issue consisted of approximately 700 cars, averaging 50 tons per car and containing about 35,000 tons of crushed rock, sand and gravel for use in the construction of pier 50 for the State of California in the China Basin district.

Eliot is a main line point on the Western Division of the Southern Pacific, 43 miles east of San Francisco, and the China Basin district is in the southern portion of the San Francisco waterfront, immediately east of Third and Channel streets. The Southern Pacific hauled the shipments from Eliot to a point near El Dorado street, San Francisco, where they were turned over to the Santa Fe. From Eldorado street the Santa Fe switched the cars to track 29. The actual point of delivery is on property owned by the State of California and served by the rails of the Belt Line. Thus, three carriers participated, the Southern Pacific performing the line haul service, Eliot to San Francisco (El Dorado street), the Santa Fe the switching service, and the Belt Line furnishing the terminal properties and a short piece of the switch-

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ing tracks. The Santa Fe performs all transportation service for the Belt Line, acting as its agent under an operating agreement.

It is complainant's contention that the failure of the Southern Pacific to absorb the switching charges of both the Santa Fe and the Belt Line in the China Basin district on the Eliot shipments while absorbing them on all competitive traffic and, in part, on noncompetitive traffic in the other San Francisco districts and at various other points throughout the state, has resulted in the exaction of unreasonable and discriminatory charges.

The record shows that with the exception of the China Basin district the Southern Pacific absorbs the Belt Line switching charge of $3.50 per car on both competitive and noncompetitive carload traffic.

Absorptions are likewise made by the Southern Pacific on noncompetitive traffic of the South San Francisco Belt Railway at South San Francisco (within the San Francisco switching limits), the Howard Terminal Railway at Oakland, the Pacific Electric Railway at Long Beach, the Los Angeles Junction Railway at Los Angeles, Pacific Electric Railway and the Outer Harbor Dock and Wharf Company at San Pedro, and the McCloud River Railroad at Mt. Shasta. On competitive traffic throughout California it is the general practice of the carriers receiving the line haul to absorb all terminal switching charges and this practice prevails in the China Basin district.

The terminal tariff of the Southern Pacific and other important railroads defines competitive traffic as "traffic which at the time the shipment moves may be handled at equal rates exclusive of the switching charges from same point of origin to the same point of destination via other carriers, one of which performs the switching service." Conversely, noncompetitive traffic is defined as "traffic other than that described as competitive traffic."

Traffic from Eliot to San Francisco is noncompetitive under the terminal tariff definition.

Complainant does not attack as unreasonable, *per se*, either the Santa Fe or Belt Line switching charges, but contends these switching charges are included in the volume of the line haul rates and that such rates are not only predicated on the line haul service, but are sufficient to also include the cost of terminal delivery. It is claimed this practice in reality has the effect of making the switching lines' terminal facilities a part of the line haul service and, therefore, is in harmony with the principles laid down by the Interstate Commerce Commission in *Associated Jobbers of Los Angeles* vs. *Atchison, Topeka and Santa Fe Railway* (18 I. C. C. 310-317). In that decision it was held that the rates included switching to industry tracks of the line haul carriers and that any charge in addition was, *prima facie*, unreasonable. Considerable stress was laid by complainant on our decision in *North*

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Pacific Steamship Company vs. *Southern Pacific* (8 C. R. C. 512), wherein we concluded that the failure of the Southern Pacific to absorb the switching charges of the Belt Line on shipments to and from wharves and piers of the North Pacific Steamship Company while absorbing the switching charges of other team, industry, wharf and pier tracks on the San Francisco waterfront was unreasonable.

Defendants contend the crushed rock, sand and gravel rates in northern California are depressed by water competition, that the Eliot to San Francisco rate of 50 cents per ton is further depressed by market competition and that in order to allow the shippers at Eliot to reach the San Francisco market in competition with shippers at Niles it voluntarily placed both points on a rate equality. Livermore, a point four miles more distant than Eliot, was given the 50-cent rate to San Francisco. Thus, those shipping points are on a parity to Southern Pacific authorized delivery tracks. They further stress the fact that under the so-called Northern California Mileage Rock Scale, Southern Pacific Tariff 330-E, C. R. C. 3112, the rate on crushed rock, sand and gravel for a 43-mile haul, Eliot to San Francisco, is 60 cents per ton. This scale, they claim, is the normal basis for the movement of crushed rock, sand and gravel in northern California and only because of commercial competition has Eliot been accorded the rate of 50 cents per ton, or 10 cents per ton lower than the mileage scale.

Predicated upon a per car loading of 50 tons, the assailed charges were $31.20 per car, $25 per car for the line haul and $6.20 per car switching charges. Based upon the 60-cent mileage scale and without considering the $6.20 switching charge, the per car revenue for the haul from Eliot to San Francisco would be $30. Thus, defendants claim, the per car charge of $31.20 is not unreasonable when viewed in the light of the fact that the Eliot to San Francisco line haul rate of 50 cents per ton is depressed below the mileage scale. Defendants cite decisions of this Commission in which we considered the effect water competition on the Bay of San Francisco and its tributaries had on the general level of the freight rates, and particular stress was laid upon our decision in *Union Rock Company* vs. *Atchison, Topeka and Santa Fe Railway Company*, 27, C. R. C. 285-294, wherein we gave consideration to the influence of water competition as a measure for the rates on crushed rock, sand and gravel in northern California predicated upon the mileage scale. In that case we said:

> The record shows that at the time the rail carriers first felt the effects of this water competition they endeavored only to establish low rates at points where the competition was active and where it was necessary to go below the normal rates in order to secure to the rail carriers a portion of the water-borne traffic. But as additional plants were opened up at inland points the carriers were forced to establish rates whereby producers at those points could reach the consuming markets in competition with shippers enjoying the water-influenced rates. Following the San Francisco fire and earthquake of 1906, an abnormal demand was created for building materials. This condition

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resulted in the development of many sand and gravel deposits, and in order to permit shippers at the new points to compete for San Francisco business, rates were established comparable with the water-compelled rates. Thus the low basis of rates originally intended to apply only between points where there was actual water competition gradually extended to the inland points not served by water until the rates were practically uniform in northern California.

On this record it appears clear that the volume of the Eliot to San Francisco rate of 50 cents per ton has been influenced to a large extent by both water and market competition.

As heretofore stated, the Southern Pacific, on noncompetitive traffic, absorbs, with the exception of points in the China Basin district, the Belt Line switching charges at all points in San Francisco east of Van Ness avenue, and also absorbs at points west of Van Ness avenue $3.50 of the $13.50 switching charge; in other words, the Southern Pacific has voluntarily accorded to all shippers in San Francisco, save those located in the China Basin district, Belt Line delivery at the line haul rates. Defendants admit there is no different line haul service performed by it in reaching industries located in the China Basin district than at other points on the Belt Line, but urge the traffic from and to China Basin is not similar to traffic originating at or destined to other Belt Line points, in that to China Basin an intermediate or bridge switching service must be performed by the Santa Fe.

Section 19 of the Public Utilities Act prohibits a public utility from establishing or maintaining any unreasonable difference as to rates, charges, service, facilities, or in any other respect either as between localities or as between classes of service. Under this section of the act where carriers voluntarily grant a privilege, they can not lawfully withhold that privilege from all shippers in the same general locality unless justified by controlling transportation conditions creating dissimilar circumstances and conditions.

Upon this record there is no justification for the assessing of the Belt Line switching charge on complainant's shipments to China Basin while absorbing the charge to all other points on the Belt Line. We are of the opinion and find, after consideration of all the facts of record, that complainant has been and is now subjected to unlawful discrimination, prejudice and disadvantage by reason of the refusal of the Southern Pacific to absorb the Belt Line switching charge of $3.50 per car to the China Basin points.

There remains for consideration the allegation that the failure of the Southern Pacific to absorb the bridge switching charge of the Santa Fe from Southern Pacific interchange tracks to the connection with the Belt Line results in undue preference and creates unreasonable difference in rates. Eliot is in competition with the rock quarries at

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Niles and Livermore, but under the language of the Southern Pacific Terminal Tariff is not a competitive point, Item 10-A reading:

> Competitive traffic is traffic which, at time of shipment, may be handled at equal rates (exclusive of switching charge) from same point of origin to same destination via other carriers, one of which performs the switching service.

Niles and Livermore are served by the Southern Pacific and the Western Pacific and, therefore, are competitive to San Francisco. Shipments from Niles or Livermore to China Basin pay no switching charges, while traffic from Eliot is assessed the two switching charges totaling $6.20 per car. Prior to December 1, 1924, Niles, Eliot and Livermore were on a parity, switching charges being assessed against all three points. Effective December 1, 1924, the Western Pacific, by publication of Item 198 in its Terminal Tariff 35-J, C. R. C. 245, provided as to all traffic for the absorption of the $2.70 per car charged by the Santa Fe and the $3.50 charged by the Belt Line. Effective February 16, 1925, the Southern Pacific, by publication of Item 450 in its Tariff 330-I, C. R. C. 2828, provided the same absorption, but applicable to competitive traffic only. This had the effect of giving Niles and Livermore the 50-cent rate to China Basin when the traffic originated on either the Western Pacific or Southern Pacific. However, the tracks of the Western Pacific and Southern Pacific are immediately adjacent between Niles and Livermore. There are no interchange tracks at either Niles or Livermore, but both carriers have stations at those points. At Livermore the Western Pacific and Southern Pacific depots are about 100 feet apart. The testimony and the maps on file with this Commission show that the Western Pacific and Southern Pacific tracks are on practically the same right of way, although the Western Pacific has no station named Eliot at the opposite point. The short line distance to San Francisco from Niles is 29.2, Eliot 43 and Livermore 46.9 miles. Traffic of the Southern Pacific to San Francisco passes over the same rails, the only difference comparing Eliot with the other points is the longer haul of approximately 4 miles from Livermore, and the shorter haul of approximately 17 miles from Niles. The 50 cents is blanketed over this entire territory. Upon arrival at San Francisco cars are placed on the Santa Fe interchange track by the Southern Pacific, a yard movement of .57 mile from Mission yards, thence over the Santa Fe rails, a distance of .35 mile, to the tracks of the Belt Line.

Defendant, Southern Pacific Company, alleged the absorption provisions in favor of Niles and Livermore are to meet a competitive situation not existing in the movement from Eliot and urge that Eliot, being a noncompetitive point by tariff publication, is not entitled to the same treatment as Niles and Livermore, although the three points

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are in the same territory and are serving the same consuming markets. Crushed rock can now move to China Basin without the payment of switching charges when from all points on the Western Pacific and Santa Fe, competitive and noncompetitive, and from Southern Pacific points only when competitive. The Southern Pacific, for all practical purposes, now treats the Belt Line, east of Van Ness avenue, as its own terminal and makes free delivery except as to China Basin. The Santa Fe and Western Pacific make free delivery at all points, including China Basin.

The testimony, evidence and tariffs show that the competing carriers are endeavoring to serve the industrial tracks and wharves in the San Francisco Bay region at the line haul rates. At San Francisco the Southern Pacific has direct track connections with all delivering lines except to China Basin, where the Santa Fe performs the bridge switch. It makes direct connection with the South San Francisco Belt Railway and absorbs the $4 switching charge to South San Francisco points; it also absorbs the Santa Fe charge to the plant of the California Canneries Company. The Santa Fe and Western Pacific have no direct connection with the South San Francisco Belt Railway and they absorb the Southern Pacific bridge charge of $2.70, also the South San Francisco Belt Railway charge of $4. To Islais Creek the same practice is followed by the Western Pacific, absorbing the Southern Pacific charge of $2.70 and the Belt Line (State Belt Railroad) charge of $3.50.

At Oakland, the Santa Fe and Western Pacific absorb the Southern Pacific bridge switching charge to Key System industries. All three companies, Southern Pacific, The Atchison, Topeka and Santa Fe and Western Pacific, absorb the switching charge of the Howard Terminal Belt Railway and, in addition, the Santa Fe absorbs the Southern Pacific bridge charge to the Howard Belt Railway interchange tracks. At Alameda (Encinal Terminals) the Santa Fe and Western Pacific absorb the Southern Pacific switching charges. Similar arrangements are in effect, to a less extent, at other terminals throughout the state.

In deciding a proceeding such as this, we must take into consideration the interests of the shippers and receivers of the freight, the carriers and the general public. Clearly, it would not be in the interest of a carrier to require it to open its terminals to its rivals in the handling of well defined noncompetitive traffic, although the absorption of all switching charges in connection with line haul freight would create an ideal situation. The delivery point at San Francisco involved in this proceeding forms part of one business community and it is the practice of the Southern Pacific, as well as the other carriers, to extend the line haul rates to include the receipt and delivery of freight at

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all Belt Line points, except on the part of the Southern Pacific which refuses to absorb the switching charges to China Basin.

The station of Eliot on the Southern Pacific, for all practical purposes, is as much a competing point with the Western Pacific as are Niles and Livermore, for at those points there are no connecting tracks and, therefore, a shipper located on the rails of one carrier would have to truck or team the tonnage to the rails of the competing carrier, a practice which might be indulged at the point where Eliot is located, although there is no station by the name of Eliot on the Western Pacific.

It follows, from all that has been said, and we find that the practice of defendant Southern Pacific Company in absorbing the bridge switching charge of the Santa Fe on crushed rock, sand and gravel when from Niles and Livermore and refusing to absorb such charges when the traffic originates at Eliot results in unlawful discrimination, prejudice and disadvantage to this complainant.

We further find that complainant made shipments of crushed rock, sand and gravel from Eliot to San Francisco within two years prior to the filing of this complaint and paid and bore the freight charges of 50 cents per ton plus a switching charge of $6.20 per car; that the switching charge of $6.20 per car resulted in discrimination, prejudice and disadvantage to complainant and was unreasonable and excessive; that complainant has been damaged in the amount of $6.20 per car against all shipments involved in this proceeding forwarded since February 16, 1924, and that complainant is entitled to reparation with interest.

Complainant should submit statements to defendants for check. Should it not be possible to reach an agreement as to the amount of reparation, the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

ORDER.

This case being at issue upon complaint, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, according as they participated in the transportation, be and they are hereby notified and required to cease and desist, on or before November 1, 1926, and thereafter to abstain from publishing, maintaining or applying charges on carload shipments of crushed rock, sand and gravel, from Eliot to points on the State Belt Railroad located in the China Basin district at San Francisco which exceed the rates on crushed rock, sand and gravel con-

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temporaneously in effect on like traffic from Eliot to other points located on the State Belt Railroad in San Francisco.

It is hereby further ordered, that the defendants be and they are hereby notified and required to establish on or before November 1, 1926, upon notice to the Commission and to the general public by not less than five days' filing and posting, in the manner prescribed in section 14 of the Public Utilities Act, rates on crushed rock, sand and gravel from Eliot to points on the State Belt Railroad located in the China Basin district at San Francisco which shall not exceed the charges on crushed rock, sand and gravel contemporaneously in effect from Eliot, Niles and Livermore to other points located on the State Belt Railroad in San Francisco.

It is hereby further ordered, that the defendants, according as they participated in the transportation, be and they are hereby authorized and directed to pay unto complainant, Coast Rock and Gravel Company, as reparation, with interest, the sum of $6.20 per car against all shipments involved in this proceeding forwarded since February 16, 1924, from Eliot to San Francisco.

It is hereby further ordered, that as to all other matters herein involved this complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this twenty-first day of September, 1926.

Decision No. 17361.

IN THE MATTER OF THE APPLICATION OF R. S. SORENSEN, DOING BUSINESS UNDER THE FICTITIOUS NAME OF SORENSEN RURAL TELEPHONE COMPANY, AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING R. S. SORENSEN TO SELL TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY ALL OF HIS TELEPHONE PROPERTY IN AND ADJACENT TO THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO PURCHASE AND ACQUIRE THE SAME, AND R. S. SORENSEN TO WITHDRAW FROM THE TERRITORY INVOLVED, AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO OCCUPY SAID TERRITORY AND TO RENDER TELEPHONE SERVICE THEREIN.

Application No. 13098.

Decided September 21, 1926.

TRANSFER—TELEPHONE UTILITY.—Sorensen Rural Telephone Company authorized to sell its property and business to The Pacific Telephone and Telegraph Company, and the latter is authorized to furnish service to the subscribers thereof under present conditions until their status is changed on their own application, or until otherwise ordered by the Commission.

R. S. Sorensen, for Applicant Sorensen Rural Telephone Company.
J. G. Marshall, for Applicant The Pacific Telephone and Telegraph Company.

BY THE COMMISSION.

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OPINION.

This is a proceeding involving R. S. Sorensen, doing business under the name and style of Sorensen Rural Telephone Company, and The Pacific Telephone and Telegraph Company in which an order of the Railroad Commission is requested authorizing the former to sell to the latter all his telephone properties for the sum of $10,000, and to withdraw from the business of furnishing telephone service in and adjacent to the city of Fresno, and the latter to purchase said property and to furnish telephone service in the territory now served by Sorensen Rural Telephone Company.

A public hearing was held in this matter before Examiner Fankhauser, in San Francisco on September 8, 1926, at which time and place the matter was submitted.

Applicant Sorensen Rural Telephone Company does not own or operate a central telephone office, the switching to and from and between its lines being performed by The Pacific Telephone and Telegraph Company through its central office located in Fresno. The Sorensen Company furnishes service to some 114 subscribers over suburban lines, owned and maintained by it, which connect with The Pacific Company's lines at the boundary of the Fresno primary rate area. Rates now paid by the subscribers to this service vary from $1.50 per month to $3 per month and out of the revenue received from the application of such rates the Sorensen Company compensates The Pacific Company for switching service performed by it. These rates, in general, are lower than the published schedule of rates for suburban ten-party line service furnished in the Fresno suburban area by The Pacific Company. It was stipulated at the hearing by applicant The Pacific Telephone and Telegraph Company that upon the transfer of this system as applied for, each subscriber then receiving service from R. S. Sorensen will continue to be served at the rates then being charged until such time as he may discontinue or request some change in service. It was further stipulated by The Pacific Telephone and Telegraph Company that applicants for service in the area heretofore served by the Sorensen Company will receive service in accordance with the published rates, rules and regulations of The Pacific Telephone and Telegraph Company for its Fresno exchange.

R. S. Sorensen, witness for applicant Sorensen Rural Telephone Company, testified that the plant which it was proposed to sell was owned by him, was unencumbered and that he was willing to transfer title thereto for the aforesaid sum of $10,000. Witness for applicant The Pacific Telephone and Telegraph Company testified that the structural value of the plant as determined from an inventory and

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appraisal made by its engineers was $20,477.94. The plant to be transferred is described approximately as follows:

Station equipment	99 stations
Exchange pole lines	1082 poles
Exchange aerial wire	156.2 wire miles

The consideration named for the transfer of the property does not appear to be unreasonable and there appears no good reason why the request of applicants should not be granted.

ORDER.

R. S. Sorensen, doing business under the name and style of Sorensen Rural Telephone Company, and The Pacific Telephone and Telegraph Company having requested an order of the Railroad Commission authorizing the transfer of certain telephone properties from R. S. Sorensen to The Pacific Telephone and Telegraph Company for $10,000, and further authorizing the former to discontinue the furnishing of telephone service in the city of Fresno and vicinity and authorizing the latter to furnish telephone service in said territory, a public hearing having been held, and the matter being submitted and now ready for decision:

The Railroad Commission finds as a fact that the public interest will be conserved and furthered by granting the authority prayed for by applicants.

Basing its order on the foregoing finding of fact, and such other findings of fact as may be contained in the opinion preceding this order;

It is hereby ordered, that R. S. Sorensen, doing business under the name and style of Sorensen Rural Telephone Company be and he is hereby authorized to sell and that The Pacific Telephone and Telegraph Company be and it is hereby authorized to purchase all of his telephone properties more particularly described in applicant's Exhibit "A," provided that

The authority herein granted shall apply only to such transfer as shall have been made on or before December 15, 1926; and provided, further, that

The consideration for which the properties are herein authorized to be transferred shall not be considered as a measure of the value of said properties for any purpose whatsoever other than the transfer herein authorized.

It is hereby further ordered, that The Pacific Telephone and Telegraph Company be and it is hereby authorized to furnish, on and after the date it acquires the telephone properties herein referred to, telephone service in the area now served by Sorensen Rural Telephone Company in the Fresno exchange of The Pacific Telephone and Telegraph Company; provided, however, that the furnishing of telephone

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service in said area by The Pacific Telephone and Telegraph Company to each subscriber who shall be a subscriber of record of Sorensen Rural Telephone Company as of that date shall be in accordance with the rates and tariffs of Sorensen Rural Telephone Company and shall so continue until modified by order of this Commission, or until such time as the status of such service shall be changed on request of the subscriber, after which the rates and tariffs of The Pacific Telephone and Telegraph Company shall apply.

It is hereby further ordered, that Sorensen Rural Telephone Company be and it is hereby authorized to discontinue the furnishing of telephone service in the city of Fresno and vicinity on and after the date it transfers the properties to which reference is made herein to The Pacific Telephone and Telegraph Company, and to withdraw, as of that date, its rates and tariffs for service.

It is hereby further ordered, that The Pacific Telephone and Telegraph Company shall file with the Commission on or before December 30, 1926, if it acquires said properties, a certified copy of the deed or other instrument of transfer by virtue of which it acquires title to said properties.

It is hereby further ordered, that the authority herein granted shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this twenty-first day of September, 1926.

DECISION No. 17363.

IN THE MATTER OF THE APPLICATION OF WILEY J. GIBSON TO TRANSFER CERTAIN OPERATIVE RIGHTS TO BORDERLAND EXPRESS, INCORPORATED, AND OF BORDERLAND EXPRESS, INCORPORATED, TO ISSUE STOCK.

Application No. 13072.

Decided September 21, 1926.

TRANSFER—AUTO TRUCKS—STOCK—TO ISSUE.—Wiley J. Gibson authorized to sell operative rights and property to Borderland Express, Inc., and the latter is authorized to issue $50,000 of common capital stock in payment thereof, and also $300 of stock for organization expenses.

Richard T. Eddy, for Applicants.

BY THE COMMISSION.

OPINION.

Wiley J. Gibson asks permission to transfer to the Borderland Express, Inc., a corporation, the operative rights and other property referred to herein. The Borderland Express, Inc., asks permission to purchase such rights and property and issue in payment therefor $50,000 of its common capital stock. The corporation also asks permission to issue $300 of its common capital stock to its directors.

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The operative rights which Wiley J. Gibson, doing business under the fictitious name and style of Borderland Express, desires to transfer to the Borderland Express, Inc., were granted by the Commission in the following decisions:

Decision No. 8044, dated June 7, 1920, Application No. 5788.
Decision No. 9316, dated August 5, 1921, Application No. 7058.
Decision No. 11555, dated January 25, 1923, Application No. 8203.
Decision No. 16797, dated June 5, 1926, Application No. 12654.

By Decision No. 8044 the Commission authorized Moore and Gibson, a copartnership, to operate an automobile truck service for the transportation of freight between El Centro and Holtville. By Decision No. 9316 the Commission authorized Moore and Gibson to transfer the operative right granted by Decision No. 8044 to Wiley J. Gibson. By Decision No. 11555 the Commission granted Wiley J. Gibson an operative right to engage in an automobile truck service between El Centro and San Diego, over and along the following route:

Leaving San Diego traveling east on Imperial avenue, thence via county highway through Encanto and Lemon Grove, thence branching off on the Spring Valley road, thence over the county highway through Spring Valley, Jamul, Dulzura, Potrero and Campo, joining the state highway at Newton, thence over said state highway through Jacumba and Mountain Springs to El Centro.

By Decision No. 16797 the Commission authorized Wiley J. Gibson to extend the service established pursuant to Decision No. 11555 so as to include Tecate and Live Oak Springs. In addition to the foregoing operative rights Wiley J. Gibson is authorized by Decision No. 15005, dated June 3, 1925, in Application No. 10894 to publish and file joint rates with Pioneer Truck and Transfer Company covering service from points on the one line to points on the other, the Pioneer Truck and Transfer Company being engaged in truck operation between Brawley, Imperial, Heber, and Calexico. Thereafter by Decision No. 15550, dated October 21, 1925, in Application No. 11713, Wiley J. Gibson and Pioneer Truck and Transfer Company were authorized to operate a through service from points on the one line to points on the other, limited, however, to full truck load shipments, moving from one consignor to one consignee and from one point of origin to one point of destination.

In Exhibit "B," Wiley J. Gibson reports his assets and liabilities as of May 1, 1926, as follows:

Assets.

Stock and parts—San Diego	$4,272 40	
Stock and parts—El Centro	1,904 00	
		$6,176 40
Tires		867 80
Equipment and trucks of every character		33,700 00
Terminal equipment, fixtures, etc.—El Centro		3,088 00
Real estate—El Centro		1,800 00
Real estate—San Diego		17,500 00
Total assets		$63,132 20

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Liabilities.

Mortgage on real estate—San Diego	$4,000 00
Truck notes on conditional contracts	8,867 10
Total liabilities	$12,867 10

At the date of the hearing had on this application the liabilities were reported at $9,867.10.

It is of record that the stage equipment referred to above has been appraised by A. Woods of the Federal Motor Truck Company of San Diego. The equipment together with the value assigned to each unit thereof is reported by applicant in its Exhibit "B" as follows:

Year	*Make*	*Tonnage*	*Value*
1924	Federal	2½	$2,500 00
1923	Moreland	3	2,000 00
1926	Mack	3	4,000 00
1926	Mack	3	4,500 00
1925	Graham	1½	1,500 00
1923	Moreland	3	3,000 00
1923	Mack	3½	5,000 00
1923	Indiana	3	3,000 00
1924	Mack	3	3,250 00
1919	Kissel	2	2,500 00
1923	Reo		1,200 00
1919	Studebaker		300 00
1920	Cadillac service car		500 00
	Two-wheel trailer		450 00
	Total		$33,700 00

The San Diego real estate mentioned above consists of two lots at Thirteenth and J streets having a total frontage of 100 feet on both streets. The property has been appraised by the chairman of the San Diego Realty Board at $17,500. It is the intention of the Borderland Express, Inc., if permitted to acquire the property, to locate thereon its San Diego terminal.

The annual reports of Wiley J. Gibson for the three years ending December 31, 1925, filed with the Railroad Commission show operating revenues and expenses as follows:

Item	*1925*	*1924*	*1923*
Transportation revenue	$94,229 76	$61,980 91	$36,108 86
Transportation expense	92,490 07	62,369 25	44,369 92
Net operating revenue	$1,739 69	*$388 34	*$8,261 06
Deduct interest	542 52	637 26	142 53
Profit for year	$1,197 17	*$1,025 60	*$8,403 63

*Loss.

ORDER.

Application having been made to the Railroad Commission for an order authorizing Wiley J. Gibson to transfer operative rights and properties to the Borderland Express, Inc., and authorizing said corporation to purchase said properties and issue $50,300 par value of

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common capital stock, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that this application should be granted as herein provided and that the issue of stock is reasonably required for the purposes specified herein;

It is hereby ordered, that Wiley J. Gibson, doing business under the firm name and style of Borderland Express, be and he is hereby authorized to transfer to Borderland Express, Inc., the properties described in the opinion which precedes this order including the operative rights to which reference is made in said opinion.

It is hereby further ordered, that the Borderland Express, Inc., be and it is hereby authorized to acquire on or before December 31, 1926, said properties and operative rights subject to an outstanding indebtedness of not exceeding $9,867.10 and to issue in part payment thereafter not exceeding $50,000 par value of its common capital stock.

It is hereby further ordered, that Borderland Express, Inc., be and it is hereby authorized to issue and sell at not less than par $300 par value of its common capital stock and use the proceeds to pay organization expenses.

The authority herein granted is subject to further conditions as follows:

1. Wiley J. Gibson, doing business under the firm name and style of Borderland Express, shall cancel immediately all tariffs heretofore filed by him with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission, and Borderland Express, Inc., shall file immediately new tariffs in duplicate in its own name, such tariffs to be identical with those heretofore filed by Wiley J. Gibson.

2. The rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission has first been secured.

3. No vehicle may be operated by Borderland Express, Inc., unless such vehicle is owned by it or is leased under a contract or agreement on a basis satisfactory to the Commission.

4. Applicant Borderland Express, Inc., shall keep such record of the issue of the stock herein authorized and of the disposition of the proceeds as will enable it to file within thirty days thereafter a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twenty-first day of September, 1926.

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DECISION NO 17382.

IN THE MATTER OF THE APPLICATION OF SAN GABRIEL VALLEY WATER COMPANY FOR AN ORDER AUTHORIZING AN INCREASE OF RATES, THE ACQUISITION OF PROPERTY AND THE ISSUANCE OF SECURITIES.

Application No. 11431.

Decided September 22, 1926.

RATES—WATER UTILITY.—San Gabriel Valley Water Company authorized to collect a new schedule of rates estimated to produce 7.9 per cent return, in place of present inadequate rates.

TRANSFER—WATER SYSTEMS—TO PURCHASE—NOTE—TO ISSUE.—Applicant authorized to purchase from Huntington Land and Improvement Company for $300,000 the Oak Knoll, Patton, and Rosemead water systems, and to issue its promissory note for that amount, payable in five years.

Gibson, Dunn and Crutcher, by *S. M. Haskins*, for Applicant.
Roscoe R. Hess, Assistant City Attorney, for City of Pasadena, interested party.

BY THE COMMISSION.

OPINION.

San Gabriel Valley Water Company, applicant in the above entitled proceeding, owns and operates a public utility water system which supplies domestic and irrigation water to the inhabitants of the city of San Marino, portions of the cities of Pasadena and San Gabriel, and adjacent unincorporated territory in Los Angeles County. Applicant alleges in effect that the present rates do not yield sufficient revenue to provide a reasonable return upon the fair value of its properties devoted to public use. The Commission therefore is requested to establish an increased schedule of rates. Applicant further alleges that it desires to acquire certain leased properties which it proposes to purchase at a price to be fixed by the Commission and in payment thereof to issue its promissory note payable on or before five years after date, bearing interest at the rate of six per cent per annum, payable quarterly. Authority to acquire these properties is requested.

A public hearing in this matter was held before Examiner Williams at Los Angeles, after due notice thereof had been given so that all interested parties might appear and be heard.

The early history and development of the San Gabriel Valley Water Company as disclosed by former proceedings before the Commission is fully covered in Decision No. 2916, dated November 20, 1915 (8 C. R. C. 481). This decision shows that the company was organized in 1907 and purchased the Alhambra Addition Water Company. Since that time the system has been extended into new territory. Certain portions also have been sold to the cities of Alhambra and Pasadena. In connection with this system applicant has for convenience operated under lease the Oak Knoll, Patton and Rosemead water systems which are

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owned by the Huntington Land and Improvement Company, the parent company of the San Gabriel Valley Water Company. The systems are all interconnected and it is now the desire of applicant to purchase the three systems and incorporate them into the San Gabriel Valley Water Company, and to have one set of rates applicable to the entire consolidated system. It is quite evident that such a unified ownership and control would lessen the cost of operation and better the service to the consumers. The purchase of the leased properties will therefore be authorized and a rate schedule established, applicable throughout the combined properties.

The water is obtained from wells located at various points throughout the territory served, and may be pumped directly into the mains, or into storage reservoirs from which it is distributed by gravity. The wells are located in what are considered to be good water-bearing lands. Apparently there is an ample supply for the present needs, with a considerable reserve for future development.

The rates at present in effect were established by the Commission in its Decision No. 2916, *supra,* and are as follows:

Domestic and Commercial.

Meter rates—	
600 cubic feet or less per month	$1 00
600 to 5000 cubic feet, per 100 cubic feet	12
5000 to 50,000 cubic feet, per 100 cubic feet	10
All over 50,000 cubic feet, per 100 cubic feet	05

Municipal.

Oak Knoll fire service, minimum per month	$20 00
Oak Knoll fire service, per hydrant	2 00
Other divisions fire service, per hydrant	2 00
Water for municipal use, per 100 cubic feet	10

Irrigation.

Where meter is installed at the consumer's expense, per 1000 cubic feet or fraction thereof	$0 50
Where meter is installed at the company's expense the following minimum rates shall apply:	
1½-inch meter, minimum rate per month	2 00
For which the consumer shall be entitled to annual quantity of 48,000 cubic feet.	
2 -inch meter, minimum rate per month	2 50
For which the consumer shall be entitled to annual quantity of 60,000 cubic feet.	
All excess at 5 cents per 100 cubic feet.	

Flat Rate.

Charge for residences and stores, per month	$1 00

Reports were submitted by Edward R. Bowen of Reaburn & Bowen, consulting engineers, for applicant, and F. H. Van Hoesen, M. I. Reed and M. W. Boright, assistant engineers of the Railroad Commission. These reports cover in detail the various important elements

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arising in a proceeding for the fixing of rates, and will be considered under the following heads:

1. Value of property.
   (a) Physical properties.
   (b) Lands.
   (c) Intangibles.
2. Replacement annuity.
3. Maintenance and operating expense.
4. Revenue.

Value of Operative Property.

A comparative tabulation showing the results of the appraisals of the system as submitted by the various engineers, revised in accordance with the testimony, is shown as follows:

San Gabriel Valley Water System.

	Bowen	*Commission's engineers*
Physical properties	$517,261 00	$491,897 00
Lands	65,282 00	66,749 00
Intangibles	62,700 00	2,000 00
Totals	$645,243 00	$560,646 00

Leased Systems—Oak Knoll, Patton and Rosemead.

	Bowen	*Commission's engineers*
Physical properties	$286,463 00	$261,771 00
Lands	34,188 00	33,480 00
Intangibles	15,000 00	none
Totals	$335,651 00	$295,251 00

An analysis of the reports from which the above figures were obtained shows that the differences are due to the fact that the Commission's engineer excluded a number of items such as old wells, pumping equipment, etc., which were not operative or considered used or useful. These items totaled $12,170, on the San Gabriel Valley Water Company's system and $22,709 on the leased systems. The overhead allowances applied by the engineers are responsible for the remaining differences, which when taken into consideration brings the valuations of the physical properties in close accord. The testimony justifies the exclusion of the nonoperative property made by the Commission's engineer, and the overhead allowance used by him also appears reasonable. A careful consideration of the testimony and reports leads to the conclusion that the appraisal of physical properties as submitted by the Commission's engineers is reasonable, and it will therefore be used in determining a rate base for the purposes of this proceeding.

There is practically no difference in the appraisals submitted for applicant's lands, between the engineers. The sum of $100,229 will be considered a reasonable value for this item.

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There is a considerable difference between the engineers' estimates of intangibles, such as organization expense, water rights, etc. However, the Commission in its Decision No. 2916, *supra*, expressed its views very clearly in the matter of water rights, wherein an allowance was made only for actual expenditures in establishing or defending these rights. As no evidence was presented to the Commission concerning these matters, no allowance can be made at this time for water rights. However, organization expense and the cost of franchises represent actual money expended, and the sum of $3,000 will be considered adequate to cover those expenses incurred in connection with the organization of the San Gabriel Valley Water Company.

A summary of the above items shows that the estimated original cost of used and useful properties is as follows:

San Gabriel Valley Water Company	$561,646 00
Leased systems	295,251 00
Total	$856,897 00

The testimony shows that $119,221 has been advanced by consumers to aid in the construction of mains into an unprofitable territory and therefore should not be included in a rate base at this time. Deducting this amount from the above estimated original cost leaves $737,676, which is a reasonable rate base for the purposes of this proceeding.

Replacement Annuity.

A replacement annuity on the used and useful properties, as indicated above, amounts to $11,862, computed on the 5 per cent sinking fund basis, and $10,197 by the 6 per cent method. The sum of $11,000 will be considered sufficient for this item.

Maintenance and Operating Expense.

E. R. Bowen, the applicant's engineer, and M. I. Reed, one of the Commission's engineers, made an analysis of the maintenance and operating expense for a number of years, from which they estimated the annual expense for the immediate future, which is shown as follows:

Mr. Bowen	$59,038 00
Mr. Reed	49,245 00

The testimony shows that applicant maintains an office at Alhambra and reimburses the Huntington Land and Improvement Company, the parent corporation, for a portion of its Los Angeles office expense and general officers' salaries. The accounting is done at Alhambra and is posted quarterly at the Los Angeles office, which results in a duplication of work and causes an abnormal expense per consumer for this item. Mr. Reed in building up his estimate for this item considered that a substantial reduction can be made in the cost by eliminating the Los

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Angeles office with possibly the exception of a managing director, who would be responsible for the policies of the company and need spend only a small portion of his time in such duties. This proposed plan of management appears practicable, as it will permit operation of the system without duplication of effort, and result in a saving of expense both to the company and the consumers. In view of the testimony presented regarding this item, $50,000 is considered sufficient to cover the cost of operating this system.

Revenue.

The present rate schedule returned in revenues to this utility the sum of $63,212.92 in 1923; $68,574.42 in 1924; and $76,942.95 in 1925. Even considering the increase in revenues due to the growth of the community, it is apparent that applicant is entitled to an increase of rates. The schedule of rates established is designed to yield a return sufficient to cover maintenance and operating expense, depreciation annuity, and a reasonable return upon the rate base found to be chargeable against the present consumers.

Applicant filed upon request an inventory and description of the properties of the Oak Knoll, Patton and Rosemead systems, which it desires authority to purchase from the Huntington Land and Improvement Company at the original cost, set out at $337,058.46. This includes the sum of $15,000 for water rights and $22,709 for properties not used or useful at this time. This transfer is from the parent company and it does not seem advisable to include value for water rights on unused properties. The sum of $300,000 is considered a fair and reasonable price to be placed on these properties for the purpose of transfer.

No one appeared at the hearing to oppose the purchase of the leased systems.

ORDER.

San Gabriel Valley Water Company having made application as entitled above, a public hearing having been held thereon, and the Commission being now fully informed in the matter:

It is hereby found as a fact that the rates now charged by San Gabriel Valley Water Company for water delivered to consumers in the city of San Marino, portions of Pasadena and San Gabriel and adjacent unincorporated territory in the county of Los Angeles are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates for such service; and that the authority to purchase certain leased systems known as the Oak Knoll, Patton, and Rosemead systems should be granted.

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Basing its order upon the foregoing finding of fact and upon the statements of fact contained in the preceding opinion;

It is hereby ordered, that San Gabriel Valley Water Company be and it is hereby directed to file with this Commission within twenty days from the date of this order the following schedule of rates, to be charged for all water service rendered on and after September 30, 1926:

Domestic Use.

Monthly minimum charge—	
For ⅝-inch meter	$1 25
For ¾-inch meter	1 75
For 1 -inch meter	2 50
For 1½-inch meter	4 50
For 2 -inch meter	6 00
For 3 -inch meter	12 00
For 4 -inch meter	20 00
For 6 -inch meter	35 00
Monthly quantity charge—	
From 0 to 500 cubic feet, per 100 cubic feet	$0 25
From 500 to 5000 cubic feet, per 100 cubic feet	20
All over 5000 cubic feet, per 100 cubic feet	12

Irrigation Use.

Monthly minimum charges—	
Same as for domestic use.	
Monthly quantity charge—	
Per 100 cubic feet	$0 08

It is hereby further ordered, that San Gabriel Valley Water Company be and it is hereby directed to file with this Commission within thirty days from the date of this order, rules and regulations to govern relations with its consumers, such rules and regulations to become effective upon their acceptance by this Commission.

It is hereby further ordered, that San Gabriel Valley Water Company be and it is hereby authorized to purchase from the Huntington Land and Improvement Company for the sum of $300,000 those certain water systems known as the Oak Knoll, Patton, and Rosemead systems, as more particularly described in the application herein, and in payment therefor to issue its promissory note payable on or before five years after date, bearing interest at the rate of 6 per cent per annum, payable quarterly.

The authority herein granted is subject to the following conditions:

1. The consideration which the San Gabriel Valley Water Company is hereby authorized to pay for the properties referred to above shall not be urged before this Commission as a measure of the value of such properties other than the transfer herein authorized.

2. Within thirty days after the execution of the deed conveying the property herein authorized to be transferred, a certified copy thereof shall be filed with the Commission.

3. The authority herein granted to transfer properties will terminate sixty days after the date hereof.

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4. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $300.

For all other purposes the effective date of this order shall be twenty days from and after the date hereon.

Dated at San Francisco, California, this twenty-second day of September, 1926.

DECISION No. 17383.

IN THE MATTER OF THE APPLICATION OF ARROWHEAD UTILITY COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF CAPITAL STOCK.

Application No. 13076.

Decided September 23, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Paul F. A. Conway, for Applicant.

BY THE COMMISSION.

OPINION.

Arrowhead Utility Company, a corporation, asks permission to issue and sell at not less than par $25,000 of its common capital stock and use the proceeds to pay indebtedness in the amount of $4,827.14 and provide itself with working capital and with funds to pay the cost of extensions, additions and betterments to its properties.

Arrowhead Utility Company has an authorized stock issue of $500,000 divided into 5000 shares of the par value of $100 each. Stock in the amount of $195,000 has been issued and is now outstanding. The company has no bonded indebtedness. Its other indebtedness appears in the balance sheet following.

As of June 30, 1926, the Arrowhead Utility Company reports assets and liabilities as follows:

Assets.

Fixed capital		$213,647 70
Water department	$113,108 38	
Electric light and power department	74,028 14	
Telephone department	26,511 18	
Organization expenses		806 99
Franchise		280 86
Cash and accounts receivable		10,155 71
Cash	$890 28	
Accounts receivable	9,265 43	
Total assets		$224,891 27

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Liabilities.

Capital stock		$195,000 00
Amount due Arrowhead Lake Company		4,827 14
Accounts payable, current		4,003 76
Deposits payable		47 50
Accrued taxes		2,066 46
Reserve for depreciation		14,020 74
Surplus		4,925 07
Income invested in capital	$17,052 23	
Reported deficit	12,426 56	
Total liabilities		$224,891 27

The company reports 282 electric consumers, 157 water consumers, and 42 telephone subscribers connected with its several departments.

From January 1 to June 30, 1926, the company reports an expenditure for additions and betterments amounting to $35,125.15. Of this expenditure $14,074.01 has been financed through the use of stock proceeds obtained from the sale of stock authorized by Decision No. 14898, dated May 7, 1925, and $4,827.14 borrowed from the Arrowhead Lake Company. Deducting the two amounts from the $35,125.15 leaves a balance of $16,224 which was financed through current accounts payable and the investment of earnings.

The company asks permission to issue and sell $25,000 of its stock for the purpose of obtaining moneys to pay indebtedness due the Arrowhead Lake Company and to reimburse its treasury in order to have funds available for paying the cost of additions and betterments to its properties installed subsequent to June 30, 1926. It is estimated that within the six months ending December 31, 1926, the company will have to expend at least $10,000 for additions and betterments.

ORDER.

Arrowhead Utility Company having applied to the Railroad Commission for permission to issue $25,000 of its common capital stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by applicant and that this application should be granted as herein provided; therefore,

It is hereby ordered, that Arrowhead Utility Company be and it is hereby authorized to issue and sell on or before December 31, 1926, at not less than par, $25,000 of its common capital stock and use the proceeds obtained from the sale of such stock to pay indebtedness referred to in this application, and to reimburse its treasury on account of income expended for additions and betterments, provided that all moneys used to reimburse its treasury be expended by applicant for additions and betterments, the cost of which is chargeable to fixed capital account, or used as working capital.

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It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof and that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-third day of September, 1926.

DECISION No. 17385.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE CERTAIN FRANCHISE RIGHTS IN THE CITIES OF FILLMORE, SANTA PAULA, CULVER CITY, NEWPORT BEACH AND SEAL BEACH, UNDER FRANCHISES GRANTED TO, AND APPLIED FOR, BY APPLICANT.

Application No. 11341.

Decided September 25, 1926.

CERTIFICATES—GAS UTILITY—FRANCHISE RIGHTS—TO EXERCISE.—Application granted.

LeRoy M. Edwards and *A. F. Bridge*, for Applicant.
John F. Imel, City Attorney, for Culver City.

BY THE COMMISSION.

OPINION.

In its Decision No. 15601, dated November 7, 1925, this Commission declared that it would thereafter, when and if franchise was awarded applicant by the city of Newport Beach, and subject to certain conditions, grant a certificate of public convenience and necessity to exercise the rights and privileges awarded by such franchise.

Applicant has filed its supplemental application requesting that the Commission make its order in accordance with the opinion expressed in Decision No. 15601.

It apears that on December 14, 1925, the city of Newport Beach awarded applicant a twenty-five year franchise (Ordinance No. 254) to operate and maintain pipe lines throughout the city of Newport Beach. Certified copy of this franchise is attached to and made a part of the supplemental application.

A stipulation duly executed by applicant's board of directors, agreeing that applicant will never claim for said franchise a value in excess of the cost thereof, has been filed with this Commission.

ORDER.

Southern Counties Gas Company having applied to the Railroad Commission for a certificate of public convenience and necessity for

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the exercise of certain rights and privileges granted by the city of Newport Beach (Ordinance No. 254), and Southern Counties Gas Company having complied with the provisions under which the Railroad Commission stated, in its Decision No. 15601, such certificate would issue:

The Railroad Commission hereby certifies and declares that public convenience and necessity require and will require the exercise by Southern Counties Gas Company of those rights and privileges granted by Ordinance No. 254, adopted December 14, 1925, by the board of trustees of the city of Newport Beach.

The authority herein granted shall be effective from and after the date of this order.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17386.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE AS AGENT FOR RICE TRANSPORTATION COMPANY AND ZIMMERMAN BROTHERS FOR AN ORDER GRANTING PERMISSION TO ESTABLISH JOINT FREIGHT RATES BETWEEN LOS ANGELES AND WILMINGTON-SAN PEDRO.

Application No. 12355.

Decided September 25, 1926.

RATES—AUTO TRUCKS—JOINT FREIGHT.—Application granted.

BY THE COMMISSION.

OPINION.

This is an application filed by Lewis A. Monroe, agent, on behalf of Rice Transportation Company and Zimmerman Bros., seeking authority to publish joint freight rates between Los Angeles on the one hand and on the other San Pedro and Wilmington, as set forth in Exhibit "A" of the application.

The proposed rates are to apply via, and traffic will be interchanged at, Long Beach. Zimmerman Bros. serve the territory extending from Los Angeles to Long Beach and the Rice Transportation Company the territory from Long Beach to Wilmington-San Pedro. The operative rights of the former carrier were secured by purchase from the latter under authority of this Commission in Application No. 11651, Decision No. 15366, of September 3, 1925. The line of the Rice Transportation Company from Long Beach to Wilmington and San Pedro is owned by the Donovan Transportation Company, but will be operated by the former carrier until December 31, 1927, under a lease arrangement approved by the Commission in Application No. 10726, Decision No. 17216, of August 13, 1926.

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Prior to the time Zimmerman Bros. purchased that portion of the Rice Transportation Company between Los Angeles and Long Beach the Commission authorized the Rice and Donovan lines to establish the same joint rates that applicant here desires authority to publish. It is alleged that through inadvertence at the time request was made for authority for Zimmerman Bros. to purchase a portion of the Rice line, applicants neglected to also request authority to continue in effect the joint rates authorized via the Rice and Donovan lines.

Applicants now seek authority to continue in effect the same joint rates previously authorized for a heavy volume of business developed and there is a public demand and a necessity for the joint rates.

In view of the fact that this application is solely for the purpose of continuing joint rates previously authorized by this Commission, we are of the opinion that a formal hearing is unnecessary.

We find as a fact that the establishment of a through route and the publication of joint rates, as set forth in Exhibit "A" of the application will be of advantage to the shipping public and that the application should be granted.

ORDER.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the establishment of a through route and joint freight rates, as set forth in Exhibit "A" of the application, between Los Angeles on the one hand and on the other Wilmington and San Pedro.

It is hereby ordered, that applicants, Rice Transportation Company and Zimmerman Bros., be and they hereby are authorized to publish and file a tariff setting forth the joint freight rates to be assessed over this route, such rates to be the same as set forth in Exhibit "A" of the application.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17387.

IN THE MATTER OF THE APPLICATION OF THE GREAT WESTERN POWER COMPANY OF CALIFORNIA TO SELL AND THE PACIFIC GAS AND ELECTRIC COMPANY TO BUY CERTAIN ELECTRIC PROPERTIES IN SEASIDE AND PESCADERO SCHOOL DISTRICTS IN THE COUNTY OF SAN MATEO.

Application No. 12971.

Decided September 25, 1926.

TRANSFER—ELECTRIC UTILITY—DUPLICATION.—Sale of duplicating distributing lines in the Seaside and Pescadero school districts by Great Western Power Com-

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pany of California to Pacific Gas and Electric Company for $54,047.67, authorized.

Guy C. Earl and *Chaffee E. Hall*, by *Chaffee E. Hall*, for Great Western Power Company of California.
C. P. Cutten and *R. W. Duval*, by *R. W. Duval*, for Pacific Gas and Electric Company.

SEAVEY, *Commissioner.*

OPINION.

In this joint proceeding the Railroad Commission is asked to make its order authorizing Great Western Power Company of California to sell and Pacific Gas and Electric Company to buy certain electric properties located in Seaside and Pescadero school districts in the county of San Mateo, California.

This proceeding results from a duplication of the facilities of the above mentioned companies in the territory involved, in a competitive endeavor to secure new business. As a result of an investigation made by this Commission, it was agreed that the territory could best be served at this time by Pacific Gas and Electric Company. It was mutually agreed between the companies that Pacific Gas and Electric Company would purchase the facilities (except transformers and meters) of Great Western Power Company south of an east and west line from the ocean to the mountains, and passing through the tenth pole north of the intersection of La Honda road and county road at San Gregorio. This purchase was to be made at a price fixed by the engineering department of the Commission on the basis of actual cost of construction. Pacific Gas and Electric Company agreed to eliminate duplication of lines, and to charge to capital only the reasonable cost of the remaining system. The amount which Pacific Gas and Electric Company is to pay Great Western Power Company of California is $54,047.67.

On the completion of the transfer of the property, Great Western Power Company of California will not construct any further lines in the territory to be served by Pacific Gas and Electric Company, as described above, or attempt to secure any further business therein, except by and with the express authority of the Commission.

ORDER.

Application having been made to the Railroad Commission for an order authorizing the transfer of certain electric properties located in Seaside and Pescadero school districts in the county of San Mateo, a public hearing having been held and the Railroad Commission being of the opinion that the proposed transfer of electric properties will be in the public interest;

It is hereby ordered, that the transfer of the electric properties, to which reference is made in the foregoing opinion, from Great Western

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Power Company of California to Pacific Gas and Electric Company be and it is hereby authorized.

The authority herein granted is subject to the following conditions:

(1) The transfer of the properties from Great Western Power Company of California to Pacific Gas and Electric Company shall be in accordance with the terms of the agreement filed as Exhibit "A" in this proceeding.

(2) The price at which the properties referred to herein are transferred shall not be urged before this Commission or other court or public body as a measure of value of such properties for any purpose other than the transfer herein authorized.

(3) Within sixty days after the transfer of the properties herein authorized, Pacific Gas and Electric Company shall file with the Commission a certified copy of the deed by which such properties are conveyed and shall file also a statement showing the entry or entries by which it records on its books of account the purchase of said properties.

The authority herein granted will become effective upon the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17388.

IN THE MATTER OF THE APPLICATION OF LAKE COUNTY WATER AND POWER COMPANY, A CORPORATION, AND CALIFORNIA TELEPHONE AND LIGHT COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION AUTHORIZING THE FORMER TO SELL AND CONVEY AND THE LATTER TO PURCHASE AND ACQUIRE THE PROPERTIES REFERRED TO IN THIS PETITION.

Application No. 13119.

Decided September 25, 1926.

TRANSFER—ELECTRIC UTILITY—DISTRIBUTION AND TRANSMISSION LINES.—Lake County Water and Power Company authorized to sell to California Telephone and Light Company certain distribution and transmission lines and system in and near Kelseyville.

RATES—RULES AND REGULATIONS.—Purchaser authorized to place in effect its present rates, rules and regulations in the acquired system.

R. W. Duval, for California Telephone and Light Company.
James A. Gunn, Jr., for Lake County Water and Power Company.

BY THE COMMISSION.

OPINION.

In this joint application the Railroad Commission is asked to make its order authorizing Lake County Water and Power Company to sell

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and California Telephone and Light Company to buy the electrical distribution and some of the electric transmission properties of the former. The consideration at which it is proposed to transfer these properties is the sum of $15,000 plus additions and betterments subsequent to February 1, 1925, subject to certain adjustments set forth in the agreement dated June 23, 1926, marked Exhibit "A" and made a part of the application.

Lake County Water and Power Company operates a small hydro-electric plant but purchases the greater portion of its electric energy from the California Telephone and Light Company. Energy for light and power is distributed in the territory in and adjacent to the town of Kelseyville, partly in competition with the California Telephone and Light Company.

The properties which are involved in this proposed transfer are generally described in applicant's Exhibit "A" referred to above, consisting of all of the Lake County Water and Power Company's transmission and distribution lines and system north of a point on Sweetwater Ranch near Sweetwater Creek about seven miles south of Kelseyville, including all switches, transformers, meters, electrical appliances, apparatus and equipment, used in distributing and selling electric energy, together with franchises, easements, goodwill, etc.

A hearing was held September 16, 1926, before Examiner Fankhauser, at which time the California Telephone and Light Company amended its application so as to permit it to place in effect its rates, rules and regulations upon the system to be acquired.

Testimony shows that considerable reconstruction work will have to be done on the system in order to render and maintain good service, which will necessitate the expenditure of a considerable amount of money. It further shows that the rates of the California Telephone and Light Company are in some respects higher than the rates of the Lake County Water and Power Company. It further appears that should the California Telephone and Light Company's rates be applied, the general effect will be to increase rates to lighting consumers and decrease rates to power consumers. Giving consideration both to rates and service, it appears that the consumers of Lake County Water and Power Company will be benefited if the application is granted.

ORDER.

Lake County Water and Power Company having applied to the Railroad Commission for permission to sell certain of its electrical properties to California Telephone and Light Company, and California Telephone and Light Company having asked permission to purchase said properties and to put in effect throughout the territory now

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served by Lake County Water and Power Company its rates, charges, rules and regulations, a public hearing having been held, and the Commission being of the opinion that the transfer of the properties is in the interest of the public, and that this application should be granted;

It is hereby ordered, that

1. Lake County Water and Power Company, a corporation, be and it hereby is authorized to sell to California Telephone and Light Company its electrical transmission and distributing system described in this application pursuant to the terms and conditions set forth in the agreement dated June 23, 1926, and filed in this proceeding as applicant's Exhibit "A" and to discontinue furnishing and supplying electrical energy in the territory now served by it, at the time the California Telephone and Light Company acquires said properties and begins to furnish and supply electrical energy to said territory.

2. California Telephone and Light Company be and it hereby is authorized to purchase said properties in accordance with the above mentioned agreement (Exhibit "A") and to place in effect its rates, charges, rules and regulations applicable to territory in Lake County.

3. The consideration being paid by the California Telephone and Light Company for the properties of the Lake County Water and Power Company shall never be urged before this Commission as a measure of the value of said properties for any purpose other than the transfer herein authorized.

4. The authority herein granted to sell and purchase said properties will become effective twenty days after the date hereof, and the authority herein granted to the California Telephone and Light Company to put into effect its rates, charges, rules and regulations will become effective for all regular meter readings taken on or after the thirtieth day after the date of transfer of the properties involved, and such rates, charges, rules and regulations shall be filed with the Commission on or before ten days prior to their effective date.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17389.

IN THE MATTER OF THE APPLICATION OF CITY AND SUBURBAN PACKAGE DELIVERY, A CORPORATION, FOR AUTHORITY TO ISSUE STOCK.

Application No. 13133.

Decided September 25, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Derlin and Brookman, for Applicant.

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BY THE COMMISSION.

OPINION AND ORDER.

The City and Suburban Package Delivery, a corporation, asks permission to issue $8,000 par value of its common capital stock at not less than par and use the proceeds to acquire automobile equipment and provide itself with working capital.

Applicant has an authorized stock issue of $100,000 divided into 1000 shares of the par value of $100 each. Stock in the amount of $40,000 is reported as outstanding. The company's current liabilities are reported as of April 30, 1926, at $455.77.

Applicant's petition shows that it has recently procured several contracts from merchants and shippers in the city of Los Angeles to handle the deliveries of said merchants and shippers primarily to points within the city of Los Angeles, but also including certain deliveries in the suburban territory outside the city of Los Angeles. In order to handle this business it is necessary for applicant to acquire six additional one-ton Ford trucks at an approximate cost of $5,400. It is also necessary for the company to provide itself with additional working capital. It is of record that the stock which applicant asks permission to issue will be purchased by the present stockholders of the company and that none of the stock will be sold to the general public.

The Commission having considered applicant's request for permission to issue $8,000 of stock, and being of the opinion that this is not a matter in which a public hearing is necessary and that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that the City and Suburban Package Delivery be and it is hereby authorized to issue and sell at not less than par on or before December 30, 1926, $8,000 par value of its common capital stock and use the proceeds to purchase the additional equipment referred to herein and provide itself with working capital.

It is hereby further ordered, that the City and Suburban Package Delivery shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that the authority herein granted to issue stock shall become effective upon the date hereof.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

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DECISION No. 17390.

IN THE MATTER OF THE APPLICATION OF CALIFORNIA WAREHOUSE COMPANY, FOR AN ORDER AUTHORIZING THE ISSUE OF STOCK.

Application No. 13037.

Decided September 25, 1926.

SECURITIES—STOCK—TO ISSUE.—California Warehouse Company authorized to issue at not less than par $25,000 of common capital stock for the purpose of acquiring operating properties of its predecessor, a copartnership of the same name.

LEASE VALUE.—Application to issue $25,000 of stock covering lease value of its buildings dismissed without prejudice, the same not being shown.

MacFarlane, Schaefer, Haun and Mulford, by *Raymond V. Haun*, for Applicant.

BY THE COMMISSION.

OPINION.

California Warehouse Co., a corporation, asks permission to issue 50,000 shares (par value $50,000) of stock at $1 per share to acquire a warehouse business and properties.

California Warehouse Co., a copartnership consisting of W. E. Fessenden and C. W. Small, intend to transfer their warehouse business and properties to California Warehouse Co., a corporation, and accept in payment therefor $50,000 of stock. It is of record that there will be transferred to applicant a warehouse business for which the parties in interest have paid $26,000 and a lease terminating June 30, 1937. The lease covers a warehouse (No. 1) at 837-855 Traction avenue, Los Angeles, and another warehouse (No. 2) at 1300 Santa Fe avenue, Los Angeles. Warehouse No. 1 is a Class A four-story concrete structure, with a capacity of 85,000 square feet, while No. 2 is a two-story brick building with a capacity of 25,000 square feet. The buildings have been and are being used to store general merchandise.

For 1924, operating revenues of California Warehouse Co. are reported at $63,180.88 and for 1925 at $73,790.97. The operating expenses for 1924 are reported at $56,853.24 and for 1925, $73,102.94. The operating expenses are segregated as follows:

Item	*1924*	*1925*
Compensation of officers	$15,000 00	$15,000 00
Rent	14,242 50	25,780 00
Taxes	475 15	597 71
Depreciation-amortization of lease	1,733 00	1,733 00
Insurance	261 34	294 50
Depreciation for obsolescence	1,455 45	1,602 67
Operating expenses including wages	23,685 80	28,005 06
Total	$56,853 24	$73,012 94

As of June 30, 1926, the assets and liabilities of applicant are reported as follows:

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Assets.

Current assets:		
Bank		$808 08
Bank special reserve		294 00
Accounts receivable		8,772 06
		$9,874 14
Fixed assets:		
Equipment	$7,412 07	
Less reserve for depreciation	3,381 12	
		4,030 95
L. B. Binford—deposit on lease		6,500 00
Leasehold	$26,000 00	
Less reserve for depletion	5,199 00	
		20,801 00
Total assets		$41,206 09

Liabilities.

Current liabilities:	
Bills payable	$3,340 00
Capital and surplus:	
W. E. Fessenden, proprietorship	9,473 26
C. W. Small	2,744 96
Surplus	10,000 00
Surplus earned	12,581 93
Added profit for period	3,065 94
Total liabilities	$41,206 09

Applicant submitted no evidence as to the value of the property it uses for warehouse purposes, nor did it submit evidence showing in detail the manner in which it arrived at the value of its lease. Though W. E. Fessenden testified that the lease had a present value of $27,000 and that the company's balance sheet shows a value of $20,801, we do not know on what such values are based.

We have considered the evidence submitted in this proceeding and are of the opinion that California Warehouse Co. should be permitted to issue not exceeding $25,000 of stock to acquire the assets of California Warehouse Co., a copartnership, and finance the acquisition of such other assets as California Warehouse Co., a corporation, may have acquired subsequent to the date it has engaged in public utility business.

Any stock certificates that may have heretofore been issued should be called in and canceled and new certificates representing $25,000 of stock delivered.

ORDER.

California Warehouse Co. having applied to the Railroad Commission for permission to issue $50,000 of stock, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of not exceeding $25,000 of stock is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to

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income, and that this application should be granted as herein provided; therefore,

It is hereby ordered, that the California Warehouse Co. be and it is hereby authorized to issue on or before December 15, 1926, at not less than par not exceeding $25,000 of its common capital stock for the purpose of acquiring the warehouse properties and business heretofore conducted by California Warehouse Co., a copartnership, and finance the acquisition of such other assets as California Warehouse Co., a corporation, may have acquired subsequent to the date that it has engaged in public utility warehouse business, provided that applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

It is hereby further ordered, that this application in so far as it involves the issue of $25,000 of stock be and the same is hereby dismissed without prejudice.

It is hereby further ordered, that California Warehouse Co. within sixty days after the date hereof call in and cancel any and all stock certificates which may have heretofore been issued and issue in lieu thereof certificates representing not more than $25,000 par value of stock.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17391.

IN THE MATTER OF THE APPLICATION OF TRUCKEE RIVER POWER COMPANY, A CORPORATION, FOR AN ORDER PRELIMINARY TO THE GRANTING TO APPLICANT OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE A RIGHT OR PRIVILEGE UNDER A FRANCHISE WHICH APPLICANT CONTEMPLATES SECURING FROM THE COUNTY OF PLACER, STATE OF CALIFORNIA.

Application No. 13123.

Decided September 25, 1926.

CERTIFICATE—ELECTRIC UTILITY—CONDITIONAL APPROVAL.—It is declared that upon the filing by applicant of a franchise as prescribed, the Commission will issue a certificate of public convenience and necessity for the proposed extension of lines.

Goodfellow, Eels, Moore and Orrick, by *W. Dahlquist,* for Applicant.

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LOUTTIT, *Commissioner.*

OPINION.

Truckee River Power Company applies for order from the Railroad Commission under section 50 (*c*) of the Public Utilities Act, declaring that public convenience and necessity will require the exercise by that company of a franchise for which it has applied to the board of supervisors of Placer County.

A public hearing on the application was held in San Francisco on September 13, 1926, at which time applicant presented reasons for desiring to exercise the proposed franchise. Although the hearing had been advertised, no one appeared to oppose the certificate prayed for.

Truckee River Power Company has been operating as a public utility to a comparatively limited extent in California east of the summit of the Sierra Nevada Mountains adjacent to the Nevada state line, its principal business being in the state of Nevada. It now proposes to construct a 13,000-volt line from its substation at Truckee southerly to Tahoe City on the north shore of Lake Tahoe with branch lines in both directions along the shores of the lake as far as Brockway on the north and Meeks Bay on the south. These lines will supply electric service to hotels, resorts and summer homes adjacent to Lake Tahoe which now depend upon privately owned generating plants or have no electricity whatever. No other public utility is now supplying electricity in this territory or immediately adjacent thereto, and there is apparently no reason to withhold the permission applied for. On the other hand, the construction of the contemplated lines (cost estimated at $135,000) will make available to a considerable number of people a service which is generally recognized as a public necessity.

I, therefore, recommend the following form of order:

ORDER.

Truckee River Power Company having applied to the Railroad Commission for a preliminary order declaring that public convenience and necessity will require the exercise of a franchise to be secured from the board of supervisors of the county of Placer, a public hearing having been held, the matter having been duly submitted and being now ready for decision, the Railroad Commission declares that hereafter, upon the filing of a supplementary application accompanied by a certified copy of the ordinance of Placer County granting applicant a franchise and of a satisfactory stipulation regarding claims for the value of such franchise, the Railroad Commission will certify and declare that public convenience and necessity require and will require the exercise by Truckee River Power Company of the rights and privileges granted to it by such ordinance, subject to such terms and conditions as the Railroad Commission may prescribe.

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The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17392.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION APPROVING A CERTAIN AGREEMENT ENTERED INTO BY AND BETWEEN APPLICANT AND COAST COUNTIES GAS AND ELECTRIC COMPANY, A CORPORATION, DATED JANUARY 29, 1926.

Application No. 13173.

Decided September 25, 1926.

CONTRACT—GAS UTILITY—RESALE SUPPLY.—Application granted.

BY THE COMMISSION.

OPINION.

Pacific Gas and Electric Company has applied to the Commission for approval of a certain agreement between applicant and Coast Counties Gas and Electric Company, a copy of said agreement being attached to the application and marked Exhibit "A."

Under this agreement it is proposed that applicant shall deliver gas to Coast Counties Gas and Electric Company for resale from the latter's gas distribution system in Contra Costa County. The gas thus delivered will supplement the supply from Coast Counties Gas and Electric Company's gas generating plant located at Pittsburg, California.

In view of the nature of the service contemplated, applicant's filed schedules do not apply.

A public hearing is not deemed necessary.

ORDER.

Pacific Gas and Electric Company having applied to the Commission for approval of a certain agreement entered into between it and Coast Counties Gas and Electric Company and the Commission being fully informed thereon;

It is hereby ordered, that that certain contract, dated January 29, 1926, copy of which is attached to the application and marked Exhibit "A," be and the same hereby is approved.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

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DECISION No. 17393.

IN THE MATTER OF THE APPLICATION OF ALTURAS ELECTRIC POWER COMPANY, A CORPORATION, AND MENDOCINO ELECTRIC LIGHT AND POWER COMPANY, A CORPORATION, FOR AUTHORITY TO SELL THE ELECTRIC SYSTEMS AND PROPERTIES OF SAID CORPORATIONS RESPECTIVELY TO THE PEOPLES CALIFORNIA HYDRO-ELECTRIC CORPORATION, A CORPORATION, AND OF PEOPLES CALIFORNIA HYDRO-ELECTRIC CORPORATION, A CORPORATION, FOR AUTHORITY TO BUY SAID SYSTEMS AND PROPERTIES AND TO ISSUE SHARES OF ITS CAPITAL STOCK OF THE PAR VALUE OF FIFTY-SEVEN THOUSAND DOLLARS AND ITS FIRST MORTGAGE BONDS OF THE FACE AMOUNT OF ONE HUNDRED THIRTY THOUSAND DOLLARS.

Application No. 12991.

Decided September 25, 1926.

TRANSFER—ELECTRIC UTILITY—STOCK—TO ISSUE.—Peoples California Hydro-Electric Corporation authorized to purchase electric business and properties of Mendocino Electric Light and Power Company and Alturas Electric Power Company, and to issue in payment therefor $57,000 of stock and not exceeding $100,000 of bonds.

Goodfellow, Eels, Moore and Orrick, by *T. W. Dahlquist*, for Applicants.

BY THE COMMISSION.

OPINION.

In this application the Railroad Commission is asked to make an order:

1. Authorizing Alturas Electric Power Company and Mendocino Electric Light and Power Company to sell their businesses and properties to Peoples California Hydro-Electric Corporation and authorizing Peoples California Hydro-Electric Corporation to buy said properties on the terms and conditions set forth in the application.

2. Authorizing Peoples California Hydro-Electric Corporation to issue and deliver $57,000 par value of its common capital stock to W. B. Foshay Co. as part consideration for the transfer of said properties.

3. Authorizing Peoples California Hydro-Electric Corporation to execute its first mortgage covering said properties to be acquired by it to secure a total authorized issue of $1,000,000 principal amount of its first mortgage gold bonds.

4. Authorizing Peoples California Hydro-Electric Corporation to issue and deliver $130,000 principal amount of its first mortgage 15-year 5½ per cent gold bonds to W. B. Foshay Co. as part consideration of its causing said properties to be conveyed to said Peoples California Hydro-Electric Corporation.

The Mendocino Electric Light and Power Company renders electric service in the towns of Mendocino, Caspar, Little River and Albion, California, and in the intermediate rural territory. All of the above communities are situate on the Pacific Coast in Mendocino County, south of Fort Bragg. The record in this proceeding shows that Mendo-

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cino has a population of about 1200, Caspar 600, Little River 100 and Albion 600. As of April 1, 1926, the company had 489 service connections and 449 meters in service. Electric energy is purchased from the Fort Bragg Electric Company at 6600 volts at Jug Handle Creek for two cents per kilowatt hour. A three-phase wood pole line transmits this energy through Caspar to Mendocino, a distance of about five miles. From Mendocino a 6600-volt single-phase line extends about six miles along the coast to Little River and Albion.

For the three years ending December 31, 1925, the operating revenues and expenses, and net income before depreciation and federal taxes of Mendocino Electric Light and Power Company are reported as follows:

Item	*1923*	*1924*	*1925*
Gross revenue	$17,148 00	$20,164 00	$22,841 00
Operating expenses	12,154 00	18,959 00	16,644 00
Net operating revenue	$4,994 00	$1,205 00	$6,197 00
Taxes	658 00	1,305 00	1,512 00
Net income before depreciation, Federal taxes, etc.	$4,366 00	$100 00*	$4,685 00

*Loss.

It is explained that the high operating costs in 1924, as compared with 1923 and 1925, were caused by extraordinary maintenance expenditures during that year.

The Alturas Electric Power Company renders retail electric service in the town of Alturas, Modoc County, and also sells energy wholesale to the Surprise Valley Electric Light and Power Company, which serves the town of Cedarville, about nineteen miles east of Alturas. It is of record that the town of Alturas has a population of about 1000. The company serves a few consumers outside of the town limits. As of April 1, 1926, the company had 308 service connections and 341 meters in service. The physical property of the company on April 1, 1926, consisted of a hydro-electric generating station on Pine Creek about six miles from Alturas, a transmission line from the plant to Alturas, a step-down substation and a distribution system.

The company does not own the transmission line from the generating plant to Cedarville. The Alturas Electric Power Company in reports filed with the Railroad Commission for the three years ending December 31, 1925, reports revenues and expenses as follows:

Item	*1923*	*1924*	*1925*
Gross revenue	$21,196 62	$21,770 28	$23,021 66
Operating expenses	8,721 64	8,700 76	9,977 73
Net operating revenue	$12,474 98	$13,069 52	$13,043 93
Taxes	1,925 01	1,870 10	1,896 81
Net income before depreciation, Federal taxes, etc.	$10,549 97	$11,199 42	$11,147 12

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Appraisals of the properties of both the Mendocino Electric Light and Power Company and Alturas Electric Power Company have been submitted by applicants and by the Commission's engineering department. The appraisals submitted by applicants have been prepared by Day and Zimmerman, consulting engineers. They estimated the reproduction cost new of the properties of the Mendocino Electric Light and Power Company as of April 1, 1926, at $63,118, and the reproduction cost new less depreciation at $56,493, while the reproduction cost new of the properties of the Alturas Electric Power Company as of the same date is reported by them at $177,550 and the reproduction cost new less depreciation at $136,715. In the Commission's Exhibit No. 1 prepared by C. T. Mess, one of the Commission's assistant engineers, the reproduction cost new of the Mendocino Electric Light and Power Company as of August 1, 1926, is reported at $46,849 and the reproduction cost new less depreciation of $24,664. In the Commission's Exhibit No. 2, also prepared by C. T. Mess, the reproduction cost new of the properties of the Alturas Electric Power Company as of August 1, 1926, is reported at $128,860, and the reproduction cost new less depreciation at $103,425.

The reproduction cost new of the combined properties is reported by Day and Zimmerman at $240,668, as compared with the Commission's engineers' estimate of $175,709, the difference amounting to $64,959. Day and Zimmerman estimate the reproduction cost less depreciation of the combined properties at $193,208, while the Commission's engineers estimate the reproduction cost less depreciation of the combined properties at $128,089; a difference of $65,119. It appears that in preparing their appraisals Day and Zimmerman used prices as of April 1, 1926, while the Commission's engineers used prices as of August 1, 1926, in case of Mendocino Electric Light and Power Company and actual or historical cost in case of the Alturas Electric Power Company. Day and Zimmerman allowed twenty and one-half per cent to cover overhead costs, while the Commission's engineers allowed twelve per cent. There is likewise a substantial difference in the method used to determine the reproduction cost new less depreciation of the properties. C. T. Mess assigned a definite period of life to each item of property. Day and Zimmerman's method of arriving at the reproduction cost less depreciation is set forth in the following quotation from the transcript, page 46 (W. L. Ross, Jr., witness):

> Let us assume that this property ten years ago cost the equivalent of $100,000, the present-day price, that the property has been well maintained and is in good operating condition, as good operating condition as it should be. We feel that there has been no depreciation in the value of that property; that, assuming that $100,000 of securities have been issued on that property, the value of those securities, or the equity of those securities would be $100,000

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today; but that the company should have set aside for a renewal reserve an amount to provide for such contingencies as fire, storm, and so forth, for the protection of the investors. In such instances our allowance for accrued depreciation is merely nominal, depending upon the climatic conditions, and the risk of damage involved. If, however, the property has not been adequately maintained, and deferred maintenance is obvious from an inspection of the property, we increase the amount of our depreciation accordingly. In the case of major power plant equipment and other large items, which would not be necessarily replaced out of current maintenance, we increase the allowance for depreciation, but we did not attempt to anticipate the date upon which such units will be replaced. Our theory in this regard is also on the basis that the company should have some reserve set aside to take care of contingencies, such as the necessity of retiring those units at some future time. Inasmuch as the depreciation reserve is not earmarked to apply to individual items there arises a diversity factor which obviously reduces the amount of reserve which it is necessary to carry.

For water rights, in case of the Alturas Electric Power Company, Day and Zimmerman allow $8,500, while the Commission's engineers allow only a nominal sum.

It is of record that the Mendocino Electric Light and Power Company has agreed to sell its properties to W. B. Foshay Co. for $30,000 and that the Alturas Electric Power Company, Mr. B. F. Lynip and I. W. Gibbins, its principal stockholders, have agreed to sell the properties of that company to W. B. Foshay Co. for a total consideration of $164,200. W. B. Foshay Co. has in turn agreed to assign the contract between it and Alturas Electric Power Company et al. and between it and Mendocino Electric Light and Power Company to the Peoples California Hydro-Electric Corporation, for the amount of stock and bonds hereinbefore referred to, so that the title to the properties of the selling corporations will pass direct to applicant Peoples California Hydro-Electric Corporation. W. B. Foshay Co. will, however, pay the agreed consideration.

The Peoples California Hydro-Electric Corporation, a California corporation, was organized on or about June 11, 1926, with an authorized stock issue of $200,000 divided into 2000 shares of the par value of $100 each. The company's articles of incorporation recite that the place where the principal business of said corporation is to be transacted is the city and county of San Francisco. The company asks permission to issue $57,000 of its common stock and $130,000 of its 5½ per cent 15-year bonds to W. B. Foshay Co. in payment for the properties of Mendocino Electric Light and Power Company and Alturas Electric Power Company, said properties to be transferred to it free and clear of all incumbrances. The total amount of stocks and bonds, the issue of which the Commission is asked to authorize in payment for the properties to which reference has been made, aggregates $187,000. Following the hearing the Commission was requested to segregate the amount of securities that may be issued in payment for the properties of each of the two companies.

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We have considered the appraisals, earning statements and other evidence submitted in this proceeding and are of the opinion that the Peoples California Hydro-Electric Corporation should be permitted to issue not exceeding $57,000 of stock and not exceeding $100,000 of 15-year 5½ per cent bonds in payment for the properties, free and clear of all incumbrances, of Mendocino Electric Light and Power Company and Alturas Electric Power Company described in this application. Neither the stock nor the bonds herein authorized to be issued may be issued until Peoples California Hydro-Electric Corporation can obtain a good and valid title to said properties free and clear of all incumbrances. If it can obtain such title to the properties of one company before it can obtain a similar title to the properties of the other company, it may issue in the case of the acquisition of the properties of Mendocino Electric Light and Power Company not exceeding $10,500 of stock and not exceeding $21,000 of bonds, and in the case of the acquisition of the properties of Alturas Electric Power Company not exceeding $46,500 of stock and not exceeding $79,000 of bonds.

Peoples California Hydro-Electric Corporation has not yet filed with the Commission a satisfactory copy of its proposed mortgage and/or deed of trust. While it is of record that the bonds herein authorized to be issued will be acquired by a holding company, nevertheless we are of the opinion that the mortgage and/or deed of trust executed by the Peoples California Hydro-Electric Corporation to secure the payment of such bonds should be drawn as though the bonds were being sold to the general public rather than to a holding company.

The testimony shows that the purchaser of the properties of Mendocino Electric Light and Power Company and Alturas Electric Power Company stands ready to make all improvements necessary to give adequate service. Plans are being prepared for the installation of an auxiliary plant at Alturas. It is of record that the Peoples California Hydro-Electric Corporation intends to continue in effect, for the time being, the rates now charged by the Mendocino Electric Light and Power Company and the Alturas Electric Power Company.

ORDER.

Application having been made to the Railroad Commission for an order authorizing Mendocino Electric Light and Power Company and Alturas Electric Power Company to transfer their business and electric properties described in this application to the Peoples California Hydro-Electric Corporation, and Peoples California Hydro-Electric Corporation having asked permission to acquire said properties and issue $57,000 of its common capital stock and $130,000 of its first mortgage bonds in payment for said properties and to execute a mortgage to

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secure the payment of its bonds, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the transfer of the properties should be authorized and that the Peoples California Hydro-Electric Corporation should be permitted to issue not exceeding $57,000 of stock and not exceeding $100,000 of bonds in payment for said properties; that the money, property or labor to be procured or paid for by the issue of said stocks and bonds is reasonably required by applicant; that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted as herein provided and not otherwise; therefore,

It is hereby ordered, as follows:

1. Alturas Electric Power Company may sell its properties generally described in the petition in this application and more particularly in applicants' Exhibit No. 1 to the Peoples California Hydro-Electric Corporation, and said Peoples California Hydro-Electric Corporation is hereby permitted to acquire said properties and to issue in payment therefor, provided it acquire the same free and clear of all incumbrances, not exceeding $46,500 of stock and not exceeding $79,000 face amount of 5½ per cent first mortgage 15-year gold bonds.

2. Mendocino Electric Light and Power Company may sell its properties generally described in the petition in this application and more particularly in applicants' Exhibit No. 2 to the Peoples California Hydro-Electric Corporation; and said Peoples California Hydro-Electric Corporation is hereby permitted to purchase said properties and to issue in payment therefor, provided it acquire the same free and clear of all incumbrances, not exceeding $10,500 of stock and not exceeding $21,000 of 5½ per cent first mortgage 15-year gold bonds.

3. This application in so far as it involves the issue of $30,000 of 15-year 5½ per cent first mortgage gold bonds is hereby dismissed without prejudice.

4. The authority herein granted to issue stock and transfer properties will become effective upon the date hereof.

5. The authority herein granted to issue bonds will become effective when the Commission has entered a supplemental order authorizing the Peoples California Hydro-Electric Corporation to execute a mortgage and/or deed of trust to secure the payment of the bonds herein authorized to be issued, and when Peoples California Hydro-Electric Corporation has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $100.

6. Under the authority herein granted, no property may be transferred and no stock or bonds issued after March 1, 1927.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

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DECISION No. 17394.

IN THE MATTER OF THE APPLICATION OF TRUCKEE RIVER POWER COMPANY, A CORPORATION, FOR AN ORDER PRELIMINARY TO THE GRANTING TO APPLICANT OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE A RIGHT OR PRIVILEGE UNDER A FRANCHISE WHICH APPLICANT CONTEMPLATES SECURING FROM THE COUNTY OF EL DORADO, STATE OF CALIFORNIA.

Application No. 13145.

Decided September 25, 1926.

CERTIFICATE—ELECTRIC UTILITY—TO EXTEND.—Preliminary order issued declaring that a certificate of public convenience and necessity will be issued to Truckee River Power Company to extend lines in El Dorado County, upon filing the necessary franchise from that county.

Goodfellow, Eels, Moore and Orrick, by *W. Dahlquist*, for Applicant.

LOUTTIT, *Commissioner*.

OPINION.

In this application Truckee River Power Company asks that the Railroad Commission declare that public convenience and necessity will require the exercise of a franchise for which application has been made to the board of supervisors of El Dorado County, California.

While its principal business is in the state of Nevada, Truckee River Power Company has operated to a limited extent in California between the summit of the Sierra Nevada Mountains and the state line for a number of years. It now proposes to construct a line southerly from its Truckee substation to supply electric service to hotels, resorts and summer homes in the vicinty of Lake Tahoe. The principal construction work will be covered by a franchise to be secured from Placer County, but the company contemplates rendering a small amount of service in El Dorado County in the immediate future and further extension in El Dorado County as business develops.

There is no apparent reason for denying the order prayed for but on the contrary it appears that the proposed extension will make electric service available to many consumers who would not otherwise be supplied.

After the award of the franchise Truckee River Power Company will file with the Railroad Commission a supplemental application including a copy of the franchise and a stipulation to the effect that it will never claim for the franchise a value larger than the sum actually paid to the county of El Dorado.

I recommend the following form of order:

ORDER.

Truckee River Power Company having applied to the Railroad Commission for a preliminary order declaring that public convenience

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and necessity will require the exercise of a franchise to be secured from the board of supervisors of the county of El Dorado, a public hearing having been held, the matter having been duly submitted and being now ready for decision, the Railroad Commission declares that hereafter, upon the filing of a supplementary application accompanied by a certified copy of the ordinance of El Dorado County granting applicant a franchise and of a satisfactory stipulation regarding claims for the value of such franchise, the Railroad Commission will certify and declare that public convenience and necessity require and will require the exercise by Truckee River Power Company of the rights and privileges granted to it by such ordinance, subject to such terms and conditions as the Railroad Commission may prescribe.

The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-fifth day of September, 1926.

DECISION No. 17399.

C. SWANSTON AND SONS

vs.

SOUTHERN PACIFIC COMPANY

Case No. 2268.

Decided September 27, 1926.

RATES—STEAM RAILROAD—FRESH MEAT—REFRIGERATION.—Southern Pacific Company directed to refund to complainant $170 on account of unreasonable refrigeration charges on 34 carloads of fresh meat, moved from Swanston to Los Angeles, December 14, 1923, to May 25, 1925.

BY THE COMMISSION.

OPINION.

Complainant, a corporation organized under the laws of the State of California with its principal place of business at Sacramento, California, is engaged in the business of buying and slaughtering beef cattle.

By complaint duly filed it is alleged that the refrigeration rate assessed and collected on 34 carloads of fresh meat shipped during the period December 15, 1923, to May 25, 1925, inclusive, from Swanston to Los Angeles, was unreasonable to the extent it exceeded a rate of $20 per car. The freight charges on the fresh meat are not involved.

The statute of limitation was tolled by registering the claim with this Commission December 15, 1925, under informal complaint No. 34215.

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Reparation only is sought. Rates will be stated in dollars per car.

Swanston is located on the Sacramento Division of the Southern Pacific Company 4.7 miles east of Sacramento, and Los Angeles is 446.5 miles south of Sacramento. Refrigeration charges on the shipments involved herein were assessed on the basis of the lawfully applicable rate of $25 per car published in Perishable Protective Tariff No. 2, C. R. C. No. 1, Item No. 11060. This rate is the stated charge for service or replenishing ice and/or salt in transit on carload shipments of perishable commodities, which includes fresh meat between points described by territorial groups. Swanston was shown as a Group 5 point, Los Angeles as a Group 2 point and Sacramento was and is now a Group 4 point. The rate between Group 2 points and Group 4 points is $20 per car.

At the time the shipments involved in this complaint moved there was in effect a rate of $20 per car between Sacramento and Los Angeles, and effective September 10, 1925, defendant by its agent, R. C. Dearborn, voluntarily established this same rate between Swanston and Los Angeles. Complainant bases its plea for reparation upon the lower rate subsequently established.

Defendant admits the allegation of the complaint and has signified a willingness to make reparation adjustment, therefore, under the issues as they now stand, a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the assailed rate was unreasonable to the extent it exceeded a rate of $20 per car; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation in the sum of $170.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the defendant Southern Pacific Company, be and it is hereby authorized and directed to refund unto complainant C. Swanston and Sons of Sacramento, California, reparation in the amount of $170 account of unreasonable refrigeration charges collected on 34 carloads of fresh meat moved during the period December 15, 1923, to May 25, 1925.

Dated at San Francisco, California, this twenty-seventh day of September, 1926.

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DECISION No. 17400.

ASSOCIATED OIL COMPANY, A CORPORATION,

vs.

SOUTHERN PACIFIC COMPANY, A CORPORATION.

Case No. 2271.

Decided September 27, 1926.

RATES—STEAM RAILROAD—SODA ASH—REPARATION.—Southern Pacific Company directed to refund to complainant all charges collected in excess of 28½ cents per 100 pounds, minimum weight 60,000 pounds per carload, for transportation of seven carloads of soda ash, moved from Cartago to Hapress, October 18, 1924, to June 10, 1925.

BY THE COMMISSION.

OPINION.

Complainant is a corporation organized under the laws of the State of California with its principal place of business at San Francisco and is engaged in the business of producing, refining and marketing oil and other petroleum products.

By complaint filed August 26, 1926, it as alleged that the rates assessed and collected by defendant on 7 carloads of soda ash moved during the period October 18, 1924, to June 10, 1925, from Cartago to Hapress were unreasonable to the extent they exceeded 28½ cents per 100 pounds, minimum weight 60,000 pounds.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Cartago is on the Owenyo branch of the Southern Pacific, 461 miles from Hapress, which latter point is on the San Ramon branch. Charges on the shipments here involved were assessed and collected on the basis of 34½ cents, the Avon combination, being 28½ cents Cartago to Avon, as named in Item 7830-A of Southern Pacific Tariff 730-C, C. R. C. 2904, plus the fifth class rate of 6 cents from Avon to Hapress, published in Southern Pacific Tariff 711-C, C. R. C. 2843.

Effective June 17, 1925, defendant established rate of 28½ cents on soda ash from Cartago to Hapress, as shown in Item 7830-D of Southern Pacific Tariff 730-C, C. R. C. 2904, and complainant bases its plea for reparation upon this subsequently established rate.

Defendant admits the allegations of the complaint and by answer duly filed signified a willingness to make reparation adjustment; therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the rate assailed was unreasonable to the extent it exceeded the subsequently established rate of 28½ cents; that complainant made the shipments as described, paid and bore the charges

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thereon and is entitled to reparation in amount of the difference between the charges paid and those that would have accrued at 28½ cents.

Complainant will submit statement of the shipments to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention and the entry of a supplemental order, should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the defendant, Southern Pacific Company, be and it is hereby ordered and directed to refund to complainant, Associated Oil Company, all charges it may have collected in excess of 28½ cents per 100 pounds, minimum weight 60,000 pounds, for the transportation of 7 carloads of soda ash involved in this proceeding forwarded during the period October 18, 1924, to June 10, 1925, from Cartago to Hapress.

Dated at San Francisco, California, this twenty-seventh day of September, 1926.

DECISION No. 17401.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE CERTAIN FRANCHISE RIGHTS GRANTED APPLICANT BY THE CITY OF LOS ANGELES.

Application No. 12862.

Decided September 27, 1926.

CERTIFICATE—GAS UTILITY—FRANCHISE—TO EXERCISE.—Application granted.

F. S. Wade and *Leroy M. Edwards*, by *O. C. Sattinger*, for Applicant.
A. L. Cleveland, for Southern California Gas Company, interested party.

BY THE COMMISSION.

OPINION.

This is an application by Southern Counties Gas Company of California for an order declaring that public convenience and necessity require the exercise by it of the rights and privileges of franchise granted by the city of Los Angeles.

Public hearing before Examiner Williams was held June 30, 1926, in the city of Los Angeles, at which time testimony was introduced and the matter submitted for decision.

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It appears that on March 30, 1926, the city of Los Angeles awarded)plicant a twenty-one-year franchise (Ordinance No. 54509) to)nstruct and operate gas pipe lines throughout portions of those ınexations of the city of Los Angeles known as Westgate Addition, alms Addition, West Coast Addition and city of Wilmington. Copy : said franchise is attached to Application No. 12862, being marked xhibit "A."

It further appears that on April 28, 1926, the city of Los Angeles id, by Ordinance No. 54791, amend subdivision 21 of section 2 of said rdinance 54509 to state that the work of constructing and laying pipe nes shall be prosecuted diligently. A copy of said ordinance is :tached to Application No. 12862, being marked Exhibit "B."

Applicant is now and has been for many years past supplying gas) the inhabitants of the additions above named under a franchise ranted to it by the county of Los Angeles, under Ordinance No. 500, ew Series, and in the area referred to as the city of Wilmington,)plicant has been operating under a constitutional franchise granted) its predecessors in interest under section 19, article XI of the consti- ıtion of the State of California, as the same existed prior to its nendment in October, 1910.

It is deemed advisable that applicant should operate under statutory anchises granted by the various cities in which applicant operates s gas system, and the accompanying order will grant the necessary ertificate of public convenience and necessity for the exercise of those ghts and privileges granted in the above mentioned franchise now eld by Southern Counties Gas Company and on file with this Com- ission.

Applicant has filed with this Commission a stipulation, duly and gally passed by resolution of its board of directors, to the effect that)plicant, its successors or assigns would never claim before the Rail-)ad Commission, or any court of public body, any value for the foresaid franchise in excess of the original cost thereof.

The exercise of those rights and privileges granted in Ordinance No. 4509, as amended by Ordinance No. 54791, awarded applicant by ıe city of Los Angeles, will be restricted to that portion of the terri-)ry in question allotted to Southern Counties Gas Company, in terri-)rial agreement between applicant and Southern California Gas ompany.

ORDER.

Southern Counties Gas Company having applied to the Railroad ommission of the State of California for a certificate of public con- enience and necessity for the exercise of certain rights and privileges ranted by the city of Los Angeles, Ordinance No. 54509, as amended

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by Ordinance No. 54791, public hearing having been held, the matter being submitted and now ready for decision:

The Railroad Commission of the State of California hereby certifies and declares that public convenience and necessity require and will require the exercise by Southern Counties Gas Company of those rights and privileges granted by Ordinance No. 54509, adopted by the council of the city of Los Angeles, on March 30, 1926, as amended by Ordinance No. 54791, adopted by the council of the city of Los Angeles on April 28, 1926, subject to the following conditions:

The exercise of the rights and privileges granted applicant by Ordinance No. 54509 adopted March 30, 1926, and amended by Ordinance No. 54791 adopted April 28, 1926, by the council of the city of Los Angeles, shall be restricted to that portion of the city of Los Angeles allotted to Southern Counties Gas Company in a territorial agreement between applicant and Southern California Gas Company as set forth in stipulation filed with the Commission by applicant.

The authority herein granted shall be effective from and after the date of this order.

The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-seventh day of September, 1926.

DECISION No. 17402.

IN THE MATTER OF THE APPLICATION OF COLFAX TELEPHONE EXCHANGE, NOT INCORPORATED, FOR AUTHORITY TO PUT IN EFFECT CERTAIN RATES AND CHARGES.

Application No. 13146.

September 27, 1926.

RATES—TELEPHONE UTILITY—LOCAL CALLS.—Colfax Telephone Exchange authorized to place in effect a charge of 5 cents for each local message from public pay stations. Also to establish the Commission's standard charges for moves and changes in type or location of equipment.

BY THE COMMISSION.

ORDER.

Whereas, Colfax Telephone Exchange has made application to this Commission for authority to file and make effective a charge of 5 cents for each local telephone message made from public pay stations and to file and place in effect certain rules and regulations relative to charges for moves and changes; and

Whereas, the furnishing of public pay station service will be in the interest of the subscribers of the service of Colfax Telephone Exchange and to the public; and

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Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854) dated April 24, 1924, and there appearing no good reason why applicant should not now file and make effective similar rules and regulations and it appearing that this is not a matter in which a public hearing is necessary;

It is hereby ordered, that Colfax Telephone Exchange be and it is hereby authorized to charge and collect the sum of 5 cents for each local telephone message made from public pay stations on and after November 1, 1926.

It is hereby further ordered, that Colfax Telephone Exchange be and it is hereby authorized to file with this Commission, effective as of November 1, 1926, the following rules and regulations, providing said rules and regulations and rates be filed with this Commission on or before October 31, 1926:

. Moves and Changes.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. Telephone sets.

1. Moving from one location to another.....$3 00
2. Change in type or style..... 3 00

C. Other equipment and wiring.

Charges for moving or changing of equipment or wiring other than that included under A above will be an amount equal to the actual cost of labor and material involved.

D. Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

E. Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, except as modified in section 1 above, and as may be approved by this Commission.

Dated at San Francisco, California, this twenty-seventh day of September, 1926.

Decision No. 17404.

IN THE MATTER OF THE APPLICATION OF M. C. LANGSTAFF, OWNER AND MANAGER OF THE FOREST HILL TELEPHONE EXCHANGE, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FILING OF RULES AND REGULATIONS RELATING TO MOVES AND CHANGES, RESTORATION CHARGE AND A CHARGE FOR PUBLIC TELEPHONE SERVICE.

Application No. 13165.

Decided September 27, 1926.

RATES—TELEPHONE UTILITY—RULES AND REGULATIONS.—M. C. Langstaff, owner and manager of Forest Hill Telephone Exchange, authorized to establish a

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charge of 5 cents for each local message from public pay stations, and to establish Commission's standard rules and regulations and charges governing moves and changes of equipment.

BY THE COMMISSION.

ORDER.

Whereas, M. C. Langstaff, owner and manager of Forest Hill Telephone Exchange, has made application to this Commission for authority to file and make effective certain rules and regulations relative to charges for moves and changes and for restoration of service and to file and place in effect a charge of 5 cents for each local telephone message made from public pay stations; and

Whereas, this Commission found certain rules and regulations to be reasonable in its Decision No. 13478 (24 C. R. C. 854) dated April 24, 1924, and there appearing no good reason why applicant should not now file and make effective similar rules and regulations; and

Whereas, the furnishing of public pay station service will be in the interest of the subscribers of the service of M. C. Langstaff, owner of Forest Hill Telephone Exchange, and to the public, and it appearing that this is not a matter in which a public hearing is necessary;

It is hereby ordered, that M. C. Langstaff, owner and manager of Forest Hill Telephone Exchange, be and he is hereby authorized to make effective as of November 1, 1926, the following rules and regulations:

1. Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

   A. Telephone sets.
      1. Moving from one location to another.....$3 00
      2. Change in type or style..... 3 00

   C. Other equipment and wiring.
      Charges for moving or changing of equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

   D. Maintenance.
      The charges specified above do not apply if the changes or moves are initiated by the Telephone Company and required for the proper maintenance of the equipment or service.

   E. Change in class of service.
      The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

2. A service charge of $1 may be made and collected by the company before the restoration of service where service has been temporarily discontinued for any of the following reasons:
   (a) Nonpayment of bills as required by these rules and regulations.
   (b) To protect the company against fraud.
   (c) For failure of subscriber to comply with the company's rules and regulations after service has been established.
   (d) For any other reason for which subscriber is responsible, except a change in class, type or grade of service or location of facilities.

   When a service has been permanently disconnected the above charge does not apply.

3. Definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No.

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13478, except as modified in section 1 above, and as may be approved by this Commission.

It is hereby further ordered, that M. C. Langstaff, owner and manager f Forest Hill Telephone Exchange, be and he is hereby authorized to harge and collect the sum of 5 cents for each local telephone message om public pay stations on and after November 1, 1926.

The authority herein granted is subject to the condition that said ules and regulations and rates be submitted for filing with this Commission on or before October 31, 1926.

Dated at San Francisco, California, this twenty-seventh day of eptember, 1926.

DECISION No. 17405.

N THE MATTER OF THE APPLICATION OF O. F. GOODRICH, DOING BUSINESS UNDER THE FICTITIOUS NAME AND STYLE OF ANTELOPE VALLEY TELEPHONE COMPANY, FOR AUTHORITY TO ESTABLISH A RATE FOR PAY STATION SERVICE.

Application No. 13175.

Decided September 27, 1926.

ATES—TELEPHONE UTILITY—LOCAL MESSAGES.—O. F. Goodrich, operating Antelope Valley Telephone Company, authorized to establish a charge of 5 cents for each local message from public pay stations.

Y THE COMMISSION.

ORDER.

Whereas, O. F. Goodrich, doing business under the fictitious name nd style of Antelope Valley Telephone Company, has made application o this Commission for authority to establish a charge of 5 cents for ach local telephone message made from public pay stations; and

Whereas, the furnishing of public pay station service will be in the nterest of subscribers of the service of Antelope Valley Telephone ompany and to the public, and it appearing that this is not a matter n which a public hearing is necessary;

It is hereby ordered, that O. F. Goodrich, doing business under the ame and style of Antelope Valley Telephone Company, be and he is ereby authorized to charge and collect the sum of 5 cents for each ocal telephone message made from public pay stations on and after November 1, 1926, provided such rate be submitted for filing with his Commission on or before October 31, 1926.

Dated at San Francisco, California, this twenty-seventh day of September, 1926.

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DECISION No. 17408.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION OF THE REASONABLENESS OF THE RATES, CHARGES, PRACTICES, CONTRACTS, RULES, REGULATIONS, SCHEDULES AND CONDITIONS OF SERVICE, OR ANY OF THEM, OF E. L. McCAPES, OPERATING A PUBLIC UTILITY WATER SYSTEM IN THE TOWN OF RAYMOND, MADERA COUNTY, CALIFORNIA.

Case No. 2277.

Decided October 1, 1926.

SERVICE—WATER UTILITY—TO RESUME.—E. L.McCapes, operating a water utility in the town of Raymond, Madera County, ordered to resume domestic water service to the premises of T. M. Nicholas, which had been discontinued without warrant.

ILLEGAL TRANSFER.—It is found that the deeding of certain operative property was done without authority of the Commission, and was therefore of no legal effect.

BY THE COMMISSION.

OPINION.

This is an investigation on the Commission's own motion into the reasonableness of the rates, charges, practices, contracts, rules, regulations, schedules and conditions of service, or any of them, of E. L. McCapes, operating a public utility water system in the town of Raymond, Madera County, California. This proceeding resulted from the refusal of E. L. McCapes to comply with instructions issued by this Commission directing him to resume water service to the premises occupied by one T. M. Nicholas, a consumer, whose water supply had been discontinued without cause. The formal order instituting the investigation ordered that a public hearing in said matter be held, and signified with particularity the time and place for such hearing. A copy of such order was duly and regularly served upon E. L. McCapes.

A public hearing in this matter was held in San Francisco on the twenty-eighth day of September, 1926, at the time and place set in the Commission's order above referred to, at which hearing testimony was taken. E. L. McCapes did not appear at the hearing and was not represented.

The record in this case shows that E. L. McCapes at the present time owns and operates a public utility domestic water system in the town of Raymond, Madera County, California, and that at all times hereinafter mentioned he has continuously owned and operated said domestic water system; that there are at the present time some twenty consumers served by said system; that T. M. Nicholas was continuously served by E. L. McCapes as a consumer on his said system for a period of over twelve years until on or about February 28, 1926; that on or about February 28, 1926, the service to said T. M. Nicholas was discontinued without the consent of said consumer and without cause; that imme-

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diately upon said discontinuance of service, T. M. Nicholas made demand upon E. L. McCapes for a resumption of the service; that the said owner of the system did then refuse to resume service and has continuously since then and does now refuse to render such service; that said refusal to resume service has continued notwithstanding the fact that the Railroad Commission by telegram to said McCapes under date of August 27, 1926, ordered and directed the immediate resumption of said service.

The record further shows that the water supply of the E. L. McCapes system is adequate to serve the premises of T. M. Nicholas, and that at all times since said discontinuance the supply has been adequate for such service.

It appears from the evidence that E. L. McCapes executed two deeds, one under date of October 25, 1922, to E. M. McCardle (Railroad Commission Exh. No. 5), and one under date of January 20, 1926, to Louisa Carlton (Railroad Commission Exh. No. 4), in each of which he purported to convey to the grantee certain real property situated in the town of Raymond, Madera County, California. R. E. Savage, an assistant engineer of the Railroad Commission, testified at the hearing that certain used and useful portions of the water system under investigation herein were situated on the real property described in those deeds. The record shows that no authority for the transfer of these public utility properties, or for the transfer of any portion of the system, was ever authorized by this Commission. The purported transfer of the public utility properties located on the parcels described in said deeds was, therefore, in violation of the requirements of section 51 of the Public Utilities Act, and was, therefore, of no legal effect.

ORDER.

The Commission having instituted an investigation upon its own motion into the reasonableness of the rates, charges, practices, contracts, rules, regulations, schedules and conditions of service, or any of them, of E. L. McCapes, operating a public utility water system in the town of Raymond, Madera County, California, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed in the matter;

It is hereby ordered, that within five days from the effective date of this order, E. L. McCapes reconnect and resume domestic water service to the premises of T. M. Nicholas at the location heretofore served by him in the town of Raymond, Madera County, California; and that E. L. McCapes notify this Commission, in writing, within a period of five days after the resumption of said service, of his compliance with this order.

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It is hereby further ordered, that said service be continued until such time as T. M. Nicholas shall order its discontinuance, or shall fail to reasonably comply with such rules and regulations of said E. L. McCapes as may be lawfully on file with this Commission so as to warrant a discontinuance of said service.

The effective date of this order shall be ten days from the date hereof.

Dated at San Francisco, California, this first day of October, 1926.

DECISION No. 17418.

IN THE MATTER OF THE APPLICATION OF SAN JOSE WATER WORKS, A CORPORATION, FOR PERMISSION TO DEED A RIGHT OF WAY TO THE PACIFIC GAS AND ELECTRIC COMPANY FOR A POLE LINE OVER PART OF LOTS NUMBERS FIFTEEN AND SIXTY-ONE OF THE LANDS OF SAN JOSE WATER WORKS.

Application No. 13164.

Decided October 1, 1926.

TRANSFER—WATER UTILITY—RIGHT OF WAY.—Application granted.

R. C. Leib, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

San Jose Water Works, a corporation, asks permission to grant to the Pacific Gas and Electric Company, its successors and assigns, the right and privilege of erecting, maintaining and using for the transmission and distribution of electricity and for all purposes connected therewith, a single line of poles and wires suspended thereon and all necessary and proper crossarms and braces and other fixtures for use in connection therewith, and also a right of way along said line of poles, together with the right of ingress thereto and egress therefrom along said line, upon, over and across the following land situate in the county of Santa Clara, State of California:

That certain 25.0-acre tract of land lying in section 32, township 8 south, range 1 west, M. D. B. and M., being Lot No. 61, as shown upon that certain map entitled, "Map No. 8 of San Jose Water Co. Lands," recorded in the office of the county recorder of Santa Clara County, State of California, in Book O of maps, at page 31.

The route of said line of poles and wires across said land shall be as follows:

Beginning at a point in the northerly boundary line of the lands of the party of the first part (marked by a fence now upon the ground) from which the northwesterly corner of the said lands of the party of the first part (marked by the intersection of fences now upon the ground) bears north 88 degrees 42 minutes west, 188.3 feet distant, and running thence south 1 degree 48½ minutes east, 118.7 feet; thence south 74 degrees 24 minutes east, 369.8 feet; thence south 82 degrees 23 minutes east, 179.3 feet; thence north 45 degrees 57 minutes east, 201.6 feet; thence north 77 degrees 16 minutes east, 163.6 feet; thence north 89 degrees 26 minutes east, 381.4 feet; thence north 53 degrees 21½ minutes east, 116.3 feet, more

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or less, to a point in the easterly boundary line of the said lands of the party of the first part (marked by a fence now upon the ground).

and also,

That certain 106.0-acre tract of land lying in the southeast quarter of section 29, and the north half of the northeast quarter of section 32, township 8 south, range 1 west, M. D. B. and M., being Lot No. 15, as shown upon that certain map entitled "Map No. 7 of San Jose Water Co. Lands," recorded in the office of the county recorder of Santa Clara County, State of California, in Book N of maps, at page 38.

The route of said line of poles and wires across said land shall be as follows:

Beginning at a point in the southerly boundary line of the lands of the party of the first part, from which a 2" iron pipe, marking the point common to the said lands of the party of the first part, the lands of Margaret F. Neill, and the lands of X. Weltz, bears west. 85.0 feet distant, and running thence north 16 degrees 19 minutes east, 79.5 feet, more or less, to a point in an existing line across the said lands of the party of the first part.

San Jose Water Works reports that the granting of the right of way herein referred to will in no way interfere with the operation of its business as a public utility and that the granting of said right of way will be of material benefit to the Pacific Gas and Electric Company in rendering service to the public.

The agreements between the San Jose Water Works and the Pacific Gas and Electric Company provide that if the Pacific Gas and Electric Company shall cease to use the right of way for the purposes set forth in the agreement marked Exhibit "D" all of its right shall immediately cease and determine and the full title to the land shall revert to the San Jose Water Works.

The Commission has considered applicant's request and is of the opinion that a hearing is not necessary in this matter and that applicant's request should be granted; therefore,

It is hereby ordered, that San Jose Water Works be and it is hereby authorized to grant to the Pacific Gas and Electric Company the right of way (or rights of way) referred to in this application pursuant to the terms and conditions set forth in the agreements filed in this proceeding as Exhibit "D" and to execute agreements substantially in the same form as said agreements marked Exhibit "D."

Dated at San Francisco, California, this first day of October, 1926.

DECISION No. 17432.

IN THE MATTER OF THE CONSOLIDATED WATER COMPANY OF POMONA, A CORPORATION, ORGANIZED FOR THE PURPOSE OF SUPPLYING THE CITY OF POMONA WITH DOMESTIC WATER, MAKING APPLICATION TO SELL ITS WATER SYSTEM TO THE

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CITY OF POMONA, AND THE CITY OF POMONA JOINING IN THE APPLICATION FOR THE PURPOSE OF PURCHASING SAID SYSTEM.

Application No. 13163.
Decided October 5, 1926.

TRANSFER—WATER UTILITY—TO SELL.—Application granted.

G. A. Lathrop, for Consolidated Water Company of Pomona.
Joseph J. Allard, Jr., City Attorney, for City of Pomona.

BY THE COMMISSION.

OPINION.

Consolidated Water Company of Pomona, a corporation, which owns and operates a water system serving consumers in and in the vicinity of the city of Pomona, Los Angeles County, has made application to this Commission for authority to transfer its properties to the city of Pomona, a municipal corporation, which joins in the application.

A public hearing in this matter was held before Examiner Williams at Pomona, after due notice thereof had been given so that all interested parties might appear and be heard.

From the testimony it appears that at an election held in the city of Pomona on July 1, 1926, bonds were voted in the amount of $850,000 for the purpose of acquiring the plant of the Consolidated Water Company of Pomona, and for the installation of certain improvements thereto. The city and the company have agreed upon a consideration for this transfer of $831,864.42, subject to certain minor adjustments to be made at the time of delivery of the property.

The evidence shows that the city is willing and agrees to serve all of the present consumers of this utility throughout the area heretofore served. No one protested against the granting of this transfer and it appearing that public convenience and necessity will be served best through the future operation of this water system by the city of Pomona, the Commission is of the opinion that the application should be granted.

ORDER.

Consolidated Water Company of Pomona, a corporation, having made application to this Commission for authority to transfer its public utility water system to the city of Pomona, which joins in the application, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed thereon;

It is hereby ordered, that Consolidated Water Company of Pomona, a corporation, be and it is hereby authorized to transfer to the city of Pomona all of the properties of said water company used and useful in the distribution and sale of water to the consumers in and in the vicinity of the city of Pomona, in Los Angeles County, upon the following terms and conditions and not otherwise:

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1. The authority herein granted shall apply only to such transfer as shall have been made on or before January 1, 1927, and a certified copy of the final instrument of conveyance shall be filed with this Commission by said Consolidated Water Company of Pomona within thirty days from the date on which it is executed.

2. Within ten days from the date on which Consolidated Water Company actually relinquishes control and possession of the property herein authorized to be sold, it shall file with this Commission a certified statement indicating the date upon which such control and possession was relinquished.

The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this fifth day of October, 1926.

DECISION No. 17433.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM, A CORPORATION, FOR AN ORDER PERMITTING IT TO ISSUE THREE HUNDRED THOUSAND DOLLARS OF EQUIPMENT TRUST CERTIFICATES.

Application No. 13166.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE OF CAPITAL STOCK IN THE SUM OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS.

Application No. 13167.

Decided October 5, 1926.

SECURITIES—STOCK—EQUIPMENT TRUST CERTIFICATES—TO ISSUE.—Application granted.

Warren E. Libby, for Applicant.

BY THE COMMISSION.

OPINION.

In the two above entitled matters Pickwick Stages System asks the Railroad Commission to make an order authorizing the issue of $325,000 of its common capital stock at par, and of $300,000 of 7 per cent serial equipment trust certificates at 95, to finance the cost of additional equipment.

A public hearing on the two applications was held before Examiner Fankhauser on September 28, 1926, at which time they were consolidated for the purpose of receiving evidence and for decision.

The company reports that as of June 30, 1926, it had outstanding $916,150 of stock and equipment trust certificates of $476,000. Its assets and liabilities as of the same date are shown in Exhibit "A" as follows:

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Assets.

Plant and equipment	$1,908,961 76
Securities of other corporations	2,675 00
Cash (credit balance)	5,453 45
Accounts receivable	125,733 07
Notes receivable	638 47
Materials and supplies	75,105 87
Special funds	12,041 75
Prepayments	25,377 26
Other assets	44,976 14
Deferred debits	82,688 75
Discount on stock	7,792 00
Total assets	$2,280,536 62

Liabilities.

Capital stock	$916,150 00
Funded debt	476,000 00
Notes payable	213,430 17
Accounts payable	341,373 78
Accruals	17,829 75
Reserves	160,459 12
Surplus	155,293 80
Total liabilities	$2,280,536 62

In making these petitions to issue additional stock and certificates, the company reports that it is in need of additional equipment and that it proposes to expend $600,000 for the following:

Eight 14-passenger inter-city type stages at $8,000 each	$64,000 00
Eight 18-passenger inter-city type stages at $9,000 each	72,000 00
Nine 18-22-passenger observation sedan stages at $11,000 each	99,000 00
Six 22-passenger inter-city type stages at $10,000 each	60,000 00
Ten 26-passenger inter-city type stages at $10,500 each	105,000 00
Ten 33-passenger parlor sedan type stages at $12,500 each	125,000 00
Five 18-20-passenger parlor buffet type stages at $15,000 each	75,000 00
Total	$600,000 00

Applicant proposes to obtain a portion of the $600,000 through the sale, at 95 per cent of par value, of $300,000 of equipment trust certificates, bearing interest at 7 per cent per annum and maturing in annual installments as follows:

September 15, 1927	$20,000 00
September 15, 1928	40,000 00
September 15, 1929	60,000 00
September 15, 1930	60,000 00
September 15, 1931	60,000 00
September 15, 1932	60,000 00

There have been filed with Application No. 13166 a copy of an equipment trust agreement, defining the terms and conditions under which the certificates will be issued and a copy of a lease agreement under which applicant is given the right to operate the equipment referred to herein. These agreements appear to be in satisfactory form.

At 95 applicant will receive $285,000 for the certificates. The balance of the purchase price, approximately $315,000, will be provided through the issue and sale of the stock covered by Application No. 13167.

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While the record shows that some of the equipment may be leased to 'ickwick Stages System of Arizona, C. F. Wren, president of Pickwick tages System, has, subsequent to the hearing had on September 28th, dvised the Commission that none of the equipment acquired through ıe issue of the equipment trust certificates would be leased to the ırizona corporation. Only in the case of an emergency will any of the quipment be operated over the routes of the Arizona corporation. ıccording to C. F. Wren the equipment will all be used and operated y the Pickwick Stages System.

ORDER.

Pickwick Stages System, a corporation, having applied to the Raiload Commission for an order authorizing the issue of $300,000 of quipment trust certificates and $325,000 of common stock, a public earing having been held and the Commission being of the opinion hat the money, property or labor to be procured or paid for through uch issue is reasonably required by applicant for the purposes specified erein, and that the expenditures for such purposes are not in whole or n part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Pickwick Stages System be and it hereby is uthorized to issue and sell at not less than par, $325,000 of its common apital stock.

It is hereby further ordered, that Pickwick Stages System be and it ereby is authorized to execute and enter into an equipment trust greement and lease agreement substantially in the same form as the greements filed with Application No. 13166, and to assume or guarantee he payment of not exceeding $300,000 of 7 per cent equipment trust ertificates, dated September 15, 1926, and payable on or before September 15, 1932, the issue of which certificates is hereby authorized.

The authority herein granted is subject to further conditions as ollows:

1. The equipment trust certificates, herein authorized to be issued, hall be sold at not less than 95 per cent of face value plus accrued nterest, and the proceeds, other than accrued interest, which may be ısed for general corporate purposes, together with the proceeds from he sale of the stock herein authorized, shall be used to pay for the quipment to which reference is made in the foregoing opinion, said ›ayments not to exceed the cost set forth in said opinion. Any proceeds emaining after the purchase of said equipment may be expended only 'or such purposes as the Commission will authorize in a supplemental ›rder or orders.

2. The authority herein granted to execute an equipment trust ıgreement and a lease agreement is for the purpose of this proceeding ›nly and is granted only in so far as this Commission has jurisdiction

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under the terms of the Public Utilities Act, and is not intended as an approval of said equipment trust agreement and lease agreement as to such other legal requirements to which said equipment trust agreement and lease agreement may be subject.

3. Applicant shall keep such record of the issue and sale of the stock and equipment trust certificates herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

4. The authority herein granted will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, and section 6 of the Auto Stage and Truck Transportation Act, which fee is $300. Under the authority herein granted no stock or certificates may be issued after September 15, 1927.

Dated at San Francisco, California, this fifth day of October, 1926.

DECISION No. 17434.

IN THE MATTER OF THE APPLICATION OF ROSEVILLE WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE CREATION OF BONDED INDEBTEDNESS IN THE SUM OF TWO HUNDRED THOUSAND DOLLARS AND THE ISSUANCE AND SALE OF BONDS IN THE SUM OF ONE HUNDRED EIGHTY THOUSAND DOLLARS.

Application No. 13171.

Decided October 5, 1926.

SECURITIES—BONDS—TO ISSUE.—Roseville Water Company authorized to issue and sell $180,000 of 6½ per cent bonds, due 1951, at not less than 91 per cent of face value, plus accrued interest.

Morrison, Holfeld, Foerster, Shuman and Clark, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing Roseville Water Company, a corporation, to create a bonded indebtedness in the sum of $200,000 and to issue and sell $180,000 of first mortgage 6½ per cent bonds, due March 15, 1951, for the purpose of refunding outstanding bonds and of financing the cost of extensions, additions and betterments.

The Commission, by Decision No. 16430, dated April 9, 1926, in Application No. 11381, authorized Roseville Water Company to issue $180,000 of first mortgage 6½ per cent bonds, due March 15, 1951, and to deliver $61,000 of such bonds for the purpose of refunding the then outstanding $61,000 of 6 per cent bonds, due 1937, or to sell said $61,000

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of bonds at not less than 91 per cent of face value plus accrued interest and use the proceeds to redeem the outstanding bonds. The order further permitted the sale of the remaining $119,000 of said $180,000 of bonds at not less than 91 per cent of face value plus accrued interest for the following purposes:

(1) To pay outstanding accounts now owing for pipe purchased and installed	$10,000 00
(2) To pay for three wells, pump, motors, land on which situate, rights of way and appurtenances	20,000 00
(3) To pay for pipe line and its installation from reservoir to city of Roseville, approximately	30,000 00
(4) To pay for additions, enlargements and replacements as set forth in Exhibit No. 7, approximately	37,537 00
Total	$97,537 00

The remaining proceeds from the sale of the $119,000 of bonds, amounting to $10,753, and such portion of the $97,537 not expended for the purposes set forth in the tabulation, may be used only for such purposes as the Commission might authorize in supplemental orders.

Applicant reports that it has not and does not intend to issue any bonds under the authority granted by Decision No. 16430. For legal reasons counsel for applicant has advised it to reenact its proceedings looking toward the creation of an authorized bond issue of $200,000. This has been done and this application filed with the Commission.

In the former proceeding it was reported that there were outstanding $61,000 of 6 per cent bonds, and applicant was authorized to issue a like amount of new bonds to refund them. It now appears that $59,000 of the old bonds are now outstanding and it is recited that at or prior to the time the new bonds, herein applied for, will be issued, there will be $57,000 outstanding. Applicant therefore asks permission to use the proceeds from the sale of $61,000 of its proposed new bonds to refund the $57,000 of old bonds outstanding. In other respects the present request is for the same permission asked in Application No. 11381 and granted by Decision No. 16430 and it seems unnecessary to us to comment further on the request in this decision. For a more detailed statement of the proposed expenditures and of applicant's program and of its past earnings record, reference may be made to said Decision No. 16430.

ORDER.

Roseville Water Company having applied to the Railroad Commission for permission to issue and sell bonds, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the money, property or labor to be procured or paid for by such issue and sale is reasonably required by applicant for the purposes specified herein and that the expenditures herein author-

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ized for such purposes are not in whole or in part reasonably chargeable to operating expense, or to income;

It is hereby ordered, that the authority granted Roseville Water Company to issue bonds by Decision No. 16430, dated April 9, 1926, in Application No. 11381, be and it is hereby vacated and set aside.

It is hereby further ordered, that Roseville Water Company be and it is hereby authorized to issue and sell, on or before June 30, 1927, at not less than 91 per cent of face value plus accrued interest, $180,000 of its 6½ per cent bonds due 1951, and to use the proceeds, other than accrued interest, from the sale of $61,000 of such bonds to refund or to finance the cost of retiring $61,000 of 6 per cent bonds, due 1937, and to use the remaining proceeds, other than accrued interest, for the following purposes:

1. To pay outstanding accounts now owing for pipe purchased and installed	$10,000 00
2. To pay for the three wells, pump, motors, land on which situate, rights of way and appurtenances referred to in this application	20,000 00
3. To pay for pipe line and its installation from reservoir to city of Roseville, approximately	30,000 00
4. To pay for additions, enlargements and replacements as set forth in Exhibit "B," approximately	37,537 00

The remaining proceeds, and such portion of the $97,537 not expended for the foregoing purposes may be used only for such purposes as the Commission may hereafter authorize. The accrued interest may be used for general corporate purposes.

It is hereby further ordered, that the authority herein granted will not become effective until applicant has paid the fee prescribed by section 57 of the Public Utilities Act, nor until applicant has filed with the Commission, in satisfactory form, a copy of the mortgage or deed of trust securing the payment of the bonds herein authorized and has received from the Commission a supplemental order authorizing the execution of said mortgage or deed of trust.

It is hereby further ordered, that applicant shall keep such record of the issue and sale of the bonds herein authorized and the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this fifth day of October, 1926.

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DECISION No. 17439.

IN THE MATTER OF THE APPLICATION OF THE PACIFIC ELECTRIC RAILWAY COMPANY FOR AUTHORITY TO OPERATE MOTOR COACH LINES IN THE CITY OF PASADENA, CALIFORNIA.

Application No. 12820.

Decided October 6, 1926.

CERTIFICATE—MOTOR COACHES—TO OPERATE—TEMPORARY OPERATION.—Certificate granted to Pacific Electric Railway Company to operate motor coach lines from Tierra Alta, in the county of Los Angeles, to and within the city of Pasadena. Temporary operation of present motor coach lines in the city of Pasadena found to be required by public convenience and necessity.

Frank Karr and *C. W. Cornell*, for Applicant.
James H. Howard, City Attorney, for the City of Pasadena, Protestant.
George A. Damon, in propria persona, Protestant.

SEAVEY, *Commissioner*.

OPINION.

By this application the Pacific Electric Railway Company, a public utility corporation, requests a certificate of public convenience and necessity to operate its motor coach lines in and about the city of Pasadena, California. Heretofore the applicant has operated these lines under the assumption that a certificate from this Commission was not necessary and that it had to deal only with the city of Pasadena regarding those operations wholly within the incorporated limits of said city. The East Washington street line, however, extends beyond the city limits, and when this Commission was apprised of such fact, it issued an order directed to applicant to show cause why it should not be ordered to cease and desist from its operations unless and until a certificate of public convenience and necessity was obtained from this Commission. In response to such order this application was filed. A public hearing was held on June 23, 1926, in the city of Los Angeles.

The request contained in the application is for authority to operate over certain defined routes within the city of Pasadena and the route known as the East Washington street line, which runs outside the city a short distance into the county of Los Angeles to a point known as Tierra Alta.

Counsel for the city took the position that this Commission does not have jurisdiction over the operations in question; that in effect the city authorities had dealt with the company for transportation facilities in accordance with the provisions of section 19, article XI of the constitution, and that he found no provision of the law which specifically abrogated the rights of the city under that section of the constitution. He maintains that the incident of a stub-end part of the service passing a short distance outside the city limits should not deprive the city of what he alleges to be its constitutional rights.

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It is true that the bus operations here under consideration were inaugurated as a purely municipal service and in reality are such at the present time. It is also true that the Supreme Court of this state at all times has carefully guarded the home rule provisions of our laws. This Commission, however, is faced with the duty of carrying out the provisions of the Transportation Act of 1917, which is the only expression of the legislature governing the rates and service of automotive transportation. This act clearly places all such transportation, that is not exclusively within the limits of a city, under the jurisdiction of this Commission. While the undertaking of applicant is described as consisting of different and seemingly independent bus lines, as a matter of fact from the standpoint of practical operation it is a unified and single service. It therefore appears that the Commission has jurisdiction over the whole operation covered in the application.

While the record in this matter clearly shows that public convenience and necessity demand some service of this character within the territory involved, it does not warrant the granting of a permanent certificate to the extent applied for. However, it was generally admitted that there is a duplication of service and a supply of service existing at the present time much in excess of that found necessary to serve other similar communities, but there is not sufficient data in the record to determine with finality the exact routes which should be permanently established.

It is our opinion that authority should be granted to operate the East Washington street line from Tierra Alta in the county of Los Angeles to and within the city of Pasadena. As to the lines within the city at present being operated by the company, we can make no permanent finding at this time, but will grant the company a temporary permit to operate them until permanent routes can be established that meet the approval of this Commission.

ORDER.

An application having been filed by the Pacific Electric Railway Company for a certificate of public convenience and necessity to operate motor coach lines in and about the city of Pasadena, California, a public hearing having been held, the matter having been duly submitted, and the Commission being now fully advised:

It is hereby found as a fact that public convenience and necessity require the operation by the Pacific Electric Railway Company of a motor coach line from Tierra Alta, in the county of Los Angeles, to and within the city of Pasadena; and

It is hereby further found as a fact that public convenience and necessity require the temporary operation by the Pacific Electric Railway Company of its motor coach lines at present being operated by it

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ithin the city of Pasadena and as set forth in the application herein; id

It is hereby ordered, that a certificate of public convenience and neces-ty be and the same is hereby granted to the Pacific Electric Railway ompany for the operation of motor coaches to and within the city of asadena from Tierra Alta in the county of Los Angeles over the llowing routes:

WITHOUT THE CITY LIMITS OF PASADENA.

From Sierra Bonita avenue east on Washington street in the county of Los ngeles to Tierra Alta and returning west on Washington street to Sierra Bonita enue in the county of Los Angeles.

WITHIN THE CITY LIMITS OF PASADENA.

orth Los Robles Avenue Line.

From Colorado and Pasadena avenue east on Colorado, north on Los Robles Woodbury road, south on Los Robles, west on Montana, south on Marengo, east Penn, south on Los Robles, west on Colorado, north on Broadway, west on nion, south on Pasadena, to Colorado street, in the city of Pasadena.

orth Orange Grove Avenue—Center Street Line.

From Colorado and Fair Oaks, east on Colorado, south on El Molino, east on nter and Del Mar, south on Wilson, east on San Pasqual, north on Hill, east on arlevoix, south on Sierra Bonita, east on Rose Villa to Meredith, south on eredith, west on Oakdale, south on Hill and return by same route. From Colorado d Fair Oaks, west on Colorado, north on Orange Grove to Prospect drive, then ake loop via Prospect drive and Prospect Square to Orange Grove and return by me route in the city of Pasadena.

orth El Molino Avenue Line.

From Colorado and Pasadena avenue, east on Colorado, north on El Molino, east Highland, northwest on Woodbury road to El Molino, south on El Molino, west Colorado, north on Broadway, west on Union, south on Pasadena avenue to lorado street, in the city of Pasadena.

orth Hill Avenue Line.

From Colorado and Pasadena avenue, east on Colorado, north on Hill, to peka street, and return to Colorado and Broadway, north on Broadway, west on nion, south on Pasadena avenue, to Colorado street, in the city of Pasadena.

orth Stevenson Avenue Line.

From Colorado and Pasadena avenue, east on Colorado, north on Stevenson, to ashington street, and return to Colorado and Broadway, north on Broadway, west Union, south on Pasadena avenue, to Colorado street, in the city of Pasadena.

orth Lake Avenue—East Orange Grove Avenue Line.

From Colorado and Pasadena avenue, east on Colorado, north on Lake, east Orange Grove, north on Allen to Casa Grande street, and return to Colorado d Broadway, north on Broadway, west on Union, south on Pasadena avenue, the city of Pasadena. (Daily except Sunday.)

lifornia Street—South Los Robles-South Raymond Avenue Line.

From Colorado and Raymond avenue, east on Colorado, south on Los Robles, east California to Hill avenue, and return by same route, from Colorado and aymond avenue, south on Raymond, west on California, south on Arroyo drive, st on La Loma road, north on Grand, east on California, and return on same ute, in the city of Pasadena.

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South Marengo Avenue—Glenarm Street Line.

From Colorado and Pasadena avenue, east on Colorado, south on Marengo, east on California, south on Los Robles, west on Glenarm, south on Pasadena, west on State, south on Orange Grove to Columbia, and return, east on Columbia, north on Pasadena, east on Glenarm, north on Los Robles, west on California, north on Marengo, west on Union, south on Pasadena to Colorado, in the city of Pasadena.

This certificate is subject to the following conditions:

(1) Applicant shall file its written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from the date hereof.

(2) The operation of motor coaches within the city of Pasadena to be over the routes as described above until otherwise ordered by the Commission except that with the permission of the city council of Pasadena the applicant may alter the above routes for a trial period in any case not to exceed six months, due notification of such alteration being given this Commission.

(3) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

(4) No vehicles may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under contract or agreement on the basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this sixth day of October, 1926.

DECISION No. 17440.

IN THE MATTER OF THE APPLICATION OF PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, FOR AN ORDER GRANTING PERMISSION TO INCREASE STREET CAR AND MOTOR COACH RATES OR FARES IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

Application No. 11049.

IN THE MATTER OF THE INVESTIGATION UPON THE COMMISSION'S OWN MOTION INTO THE OPERATION BY THE PACIFIC ELECTRIC LAND COMPANY, A CORPORATION, AND THE PACIFIC ELECTRIC RAILWAY COMPANY, A CORPORATION, OF MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION, IN AND ABOUT THE CITY OF PASADENA.

Case No. 2210.

Decided October 6, 1926.

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RATES—STREET RAILWAY—MOTOR COACH.—It is found present rates are inadequate, and the Commission authorizes an increase of the one-zone fare from 6 to 7 cents, or eight rides for 50 cents; and of the between zone fares from 10 cents to 12 cents.

Frank Karr, for Applicant.
J. H. Howard, City Attorney, for City of Pasadena.
George A. Damon, for Pasadena Engineers' Society.

LEAVEY, *Commissioner*.

OPINION—CASE No. 2210 AND OPINION ON REHEARING—APPLICATION 11049.

In the above application, No. 11049, Pacific Electric Railway Company asks permission to increase street car and motor coach rates or fares in and about the city of Pasadena, county of Los Angeles, State of California. Public hearings in this matter were held in Pasadena on June 5 and August 26, 1925, upon which record the Commission issued Decision No. 15849, dated January 14, 1926, holding that motor coach rates were not legally before it, and denying increase of rates on local street cars of applicant. On February 10, 1926, an order granting rehearing was issued.

On January 16, 1926, through Case No. 2210, the Commission instituted an investigation into the operations by Pacific Electric Railway Company of motor coaches in and about the city of Pasadena, the record in Application No. 11049 having shown that part of these operations extended a short distance outside the city of Pasadena. On March 6th, Application No. 11049 and Case No. 2210 were consolidated and on April 1, 1926, the matter was submitted. On May 7, 1926, the company filed a formal application, No. 12820, for certificate to operate motor coach lines in and about the city of Pasadena, which certificate, in a modified form, was granted by this Commission in Decision No. 17439. Case No. 2210 will therefore be dismissed and only Application No. 11049 considered further in this opinion.

Applicant alleges that the operation of street railway and motor coach service for the year ending January 31, 1925, resulted in a loss to the company of $162,506.08. Certain corrections were subsequently made, reducing this amount, and the final amended loss, as determined by the company and shown in their Exhibit C-1, amounted to $145,816.01. In the determination of both the above amounts the company included a deduction from revenue for interest on investment at 6 per cent per annum.

A detailed statement of the results from operation for the year ending January 31, 1925, as shown in Pacific Electric Railway Company's Exhibit C-1, follows:

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	Street railroad division	*Motor coach division*	*Total*
Operating revenue	$313,473 36	$296,493 29	$609,966 65
Operating expenses	244,632 08	399,116 66	643,748 74
Net revenue	$68,841 28	($102,623 37)	($33,782 09)
Taxes	18,008 17	21,580 30	39,588 47
Net income	$50,833 11	($124,203 67)	($73,370 56)
Interest on investment at 6 per cent per annum	48,869 37	23,576 08	72,445 45
	$1,963 74	($147,779 75)	($145,816 01)

NOTE.—($____) represents loss.

The above revenue is earned in the Pasadena local service. Approximately 99 per cent represents fares paid by passengers, the remaining 1 per cent being revenue from car privileges and transportation of mail.

The Pacific Electric Railway Company, in its Exhibit "C" attached to the application, shows a total operating expense of $655,566.89. A detailed check of these expenses was made by both the Commission and the city of Pasadena. A number of corrections were found necessary and as a result the company subsequently submitted Exhibit "C" (amended) and finally Exhibit "C-1." The city agreed that the expenses as shown in company's Exhibit "C-1" fairly represent expenses charged by the company, but alleges that for the purpose of determining a fair return, certain bus expenses should be adjusted, namely, gasoline expense, bus depreciation and indirect expenses allocated to the Pasadena bus service. Gasoline expense, as stated by the company, amounts to $36,308.36. The city points out that for various reasons the Pacific Electric Railway Company was unable, during a portion of the year ending January 31, 1925, to purchase gasoline at wholesale rates, but that now, due to completion of proper fuel storage facilities, they were able in the latter part of the year to buy their gasoline in carload lots, at a price of 4½ cents per gallon below the retail market quotation.

The city made a study of the price of gasoline during the year ending January 31, 1925, and found the average retail market price to be 18.37 cents per gallon, and the average price paid by the company to be 16.13 cents per gallon. The city contends that for the purpose of determining future rates, it should be assumed that the Pacific Electric Railway would continue to buy 4½ cents per gallon below the retail market, which, based on the average market price of 18.37 cents per gallon, would result in 14.12 cents per gallon. All the gasoline prices above stated include the state tax of 2 cents per gallon. Excluding this tax, which is set up separately in the company's accounts, there would result a reduction of 14.225 per cent in this expense, or $5,164.86.

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There appears to be no reason why the company should not continue to purchase gasoline at wholesale prices and consequently, for rate-making purposes, the $5,164.86, as determined above, should be deducted from operating expenses.

The Pacific Electric Railway Company includes in operating expenses $85,002.61 to cover depreciation of motor coaches. This depreciation is based on a four-year life and is determined by the straight line method. The city contends that a six-year life should be used and shows that by the straight line method this would result in a figure of $54,269. The city presented certain experience records used in the determination of their life, but these records were not based entirely on motor coaches of the same make or type or in the same kind of service. In view of the type of motor coach used in the Pasadena service and the unusually high grade of service desired by the city, the use of an average life for these motor coaches in excess of five years does not at this time appear reasonable in estimating depreciation. In the determination of the annual amount, however, it has been the Commission's practice to use the annuity or sinking fund method. Based upon a 5 per cent sinking fund method and a five-year life, the annual depreciation amount for those busses allocated to the Pasadena service would be $59,339.70. For the purpose of determining rates this amount should be included in operating expense rather than the $85,002.61, as shown in Exhibit "C-1."

Certain of the operating expenses are common to the entire Pacific Electric system. The city points out that the portion of these expenses allocated to the Pasadena bus operations amounts to 18.32 per cent of the total operating expense of that service, whereas the ratio of such allocated expense to total expense for Pasadena rail operations is 15.6 per cent. The city concludes that these ratios should be similar, that the allocated expenses of the bus division are unreasonably high, and that the total operating expense of the bus division should consequently be reduced 3 per cent. From the evidence there seems to be no reasonable basis for such a reduction.

Making the above adjustments, the results of operation may be stated as follows:

	Street railroad division	*Motor coach division*	*Total*
Operating revenue	$313,473 36	$296,493 29	$609,966 65
Operating expense	244,632 08	368,288 89	612,920 97
Net revenue	$68,841 28	($71,795 60)	($2,954 32)
Taxes	18,008 17	21,580 30	39,588 47
Net income	$50,833 11	($93,375 90)	($42,542 79)

Note.—($____) represents loss.

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The railroad presented in its Exhibit "F" an "Inventory of Property Used in the Operation of Local Street Car and Auto Bus Service in the City of Pasadena as of April 27, 1925." This inventory includes the total value of all the property used either exclusively or jointly in the local service.

This property includes certain substations, car houses, section houses and electric department quarters, tracks, cars, garages and auto busses, some used exclusively for local service and others jointly for local and interurban service. All of the street cars operated in the local service in Pasadena are of the one man safety or Birney type, and are leased equipment.

The values are determined as follows:

1. The value of the substations, car houses, section houses and electric department quarters and track and overhead is the historical reproduction cost as determined in the Railroad Commission's "Valuation of Pacific Electric Railway Company as of December 31, 1920," with additions and betterments to April, 1925, added.

2. The value of leased equipment is the value used as a basis for determining the annual rent paid by the company for the use of same and is the depreciated value as of December 31, 1923.

3. The value of the garage and busses is the actual cost of same as determined from the company's records of cost of acquisition.

The total value so determined of the property used in the operation of the local street car and auto bus service in the city of Pasadena as of April 17, 1925, was $2,119,341.40.

A check of this valuation was made by the Commission's engineering department, as a result of which an agreed value of $1,941,726.86 was determined and is shown in the Pacific Electric Railway Company's Exhibit "F-1" and the city of Pasadena's Exhibit No. 1. Inasmuch as the cars are leased they are not included in this valuation, an allowance being included in operating expense for the lease of same.

No allocation of values to local service was made by the company. The company in its Exhibit "C" sets up a deduction from railway operating income marked interest on investment. This interest is based on the value of the property used in local service and is computed monthly. The base varies each month in accordance with the additions and betterments of that month. The interest shown in Exhibit "C" is the interest for the twelve month period ending January 31, 1925, computed on the value of the property used in local service as it varied from month to month during that period and including only that portion of the interest so computed as should be allocated to the local service. It thus appears that neither of the values as found in Applicant's Exhibits "F" and "F-1" is used by the company in the determi-

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ation of results from operation but that instead the average value ver a twelve month period ending January 31, 1925, is used.

It is necessary, however, to make an apportionment of the value of ointly used properties in order to develop a rate base for the local 'asadena service. This allocation is shown in city's Exhibit No. 1. 'he allocation is based on the agreed value as shown above and is etermined by the same method and ratios used by the company in heir determination of interest on investment. In this manner the value f the property used directly in and allocated to the Pasadena service nd segregated to rail and bus service is as follows:

Rail service	$820,895 00
Bus service	391,778 00
Total value	$1,212,673 00

Referring again to the results from operation, as restated above, it ppears that applicant is facing a loss of $42,542.79 on the entire local 'asadena transportation service without consideration of any return n the value of the property. This loss is entirely due to bus operations. 'he rail operations show a return of approximately 6.1 per cent on the alue of that portion of the property allocable to local street railroad ervice.

The conclusion is inescapable that the applicant is entitled to a reater compensation than it is now receiving for the total service endered. The question has been raised, however, as to the justification f the total amount of service now being provided in Pasadena. This ervice is clearly visualized in Commission's Exhibit No. 1, which map hows the transportation lines to be located at approximately one-uarter mile intervals. A witness for the city stated that Pasadena has ıore transportation service than is generally provided in other cities imilarly situated. There was admission and acquiescence by all parties ppearing that the service was not as yet established on a proper basis. 'his fact was compelling on the Commission in granting temporary outes under the certificate for operation of motor coach lines by pplicant.

The applicant has asked for a certain definite increase in fares, as ıown by its Exhibit "A-1," and estimates that the application of ıese fares will result in a total gross revenue of $775,431.66. Based pon that estimate of gross revenue, financial results of operation may e stated as follows:

	Street railroad division	*Motor coach division*	*Total*
perating revenue	$398,522 38	$376,909 28	$775,431 66
perating expense and taxes	267,105 32	394,100 10	661,205 42
Net income	$131,417 06	($17,190 82)	$114,226 24
ate of return	16.0%		9.4%

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This would show a return of 16 per cent on the value of property used or apportioned to the rail lines, a deficit of $17,190.82 on the bus lines and a net return of 9.4 per cent on the property devoted to the total local service. This rate of return on the total property is excessive. Before the close of these proceedings, the company filed amended exhibits bringing their valuation, revenue and expense figures up to date, but these amended figures indicate results of operation entirely consistent with figures formerly submitted and analyzed for the set-up herein used.

The following schedule of rates, it is believed, will be found just and reasonable in accordance with the record before the Commission in this matter, and will, with proper cooperation on the part of the city, in rearranging the service on a more economical basis, put it within the power of the Pacific Electric Railway to earn an entirely adequate return on the value of the property devoted to this local transportation service.

Proposed Increase in Local Fares—Pasadena Local Lines.

	Present fare	*Proposed fare*
One-way cash fare (one zone)	6 cents	7 cents
One-way cash fare (between zones)		
Pasadena-Altadena		
Pasadena-Country Club		
Pasadena-E. Washington street	10 cents	12 cents
Book tickets (one zone)	10 for 50 cents	8 for 50 cents
	5 cents per ride	6¼ cents per ride

All other fares to remain in effect.

School children rates should be filed by the applicant in accordance with paragraph 3, subdivision (*a*), of section 17 of the Public Utilities Act.

The following form of order is recommended:

ORDER.

The Pacific Electric Railway Company having applied to this Commission for an order increasing street car and motor coach fares within the city of Pasadena, public hearings having been held and basing this order on the findings of fact and the conclusions contained in the opinion, which opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the Pacific Electric Railway Company be and the same is authorized to establish a schedule of fares as follows:

One-way cash fare (one zone)	7 cents
One-way cash fare (between zones)	
Pasadena-Altadena	
Pasadena-Country Club	
Pasadena-E. Washington street	12 cents
Book tickets (good within either zone 1 or zone 2)	8 for 50 cents

It is hereby further ordered, that Case No. 2210 be and the same is hereby dismissed.

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The Commission reserves the right to make such further order in this proceeding, relating to service and rates, as may appear just and reasonable.

The effective date of this order shall be twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this sixth day of October, 1926.

DECISION No. 17444.

IN THE MATTER OF THE APPLICATION OF COAST VALLEYS GAS AND ELECTRIC COMPANY, A CORPORATION, TO ISSUE AND SELL SERIES "B" SEVEN PER CENT CUMULATIVE PREFERRED STOCK OF THE PAR VALUE OF FIVE HUNDRED THOUSAND DOLLARS.

Application No. 13159.

Decided October 11, 1926.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Application granted.

Thickering and Gregory, by *W. C. Fox*, for Applicant.

BY THE COMMISSION.

OPINION.

In this application, as amended at the hearing held before Examiner Fankhauser, the Railroad Commission is asked to make an order authorizing Coast Valleys Gas and Electric Company to issue $500,000 of its Series "B" 7 per cent cumulative preferred stock. The Commission is also asked to authorize the company to sell the stock at not less than par, to use, of the proceeds, an amount not exceeding $6 per share of stock sold to pay commissions and expenses incident to the sale thereof, and to use the remaining proceeds to finance the cost of extensions, additions and betterments to its plants and properties.

The company reports actual construction expenditures up to July 31, 1926, and estimated construction expenditures for the remaining five months of 1926 and for the year 1927 of $1,416,884.55 which it reports have not been paid or provided for through the issue of securities. This amount is determined as follows:

Unreimbursed balance at August 31, 1925, as per Application No. 11803	$709,401 33	
Plus amount excluded from total as estimated stock proceeds (explained below)	107,348 00	
Total		$816,749 33
First mortgage bonds retired between August 31, 1925, and July 31, 1926	28,000 00	
Net construction expenditures August 31, 1925, to July 31, 1926	735,718 74	
Total		$1,580,468 07

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Less—		
Cash received for conversion of Series "A" stock to Series "B" stock, August 31, 1925, to July 31, 1926	$434 00	
Proceeds from 6% stock subscriptions	2,213 35	
Proceeds from 7% stock sold August 31, 1925, to July 31, 1926, including proceeds from partial payment subscriptions	800,990 98	
Anticipated proceeds from sale of remaining $277,100 of stock authorized in previous orders plus balance due on outstanding subscriptions	276,050 39	
Increase in depreciation reserve August 31, 1925, to July 31, 1926	27,950 86	
Total		$1,107,639 58
Net construction expenditures to July 31, 1926, to be reimbursed from sale of $500,000 of stock		$472,828 49
Amount required to complete 1926 budget		444,056 06
Estimated minimum amount for 1927		500,000 00
Total expenditures made the basis of application herein to issue $500,000 of stock		$1,416,884 55

In Application No. 11803 the company reported its unreimbursed expenditures (Exhibit E) as of August 31, 1925, at $709,401.33. In determining this amount the company deducted from its actual expenditures $107,348, which it believed would be collected after August 31, 1925, from the sale of stock, the issue of which the Commission had authorized prior to August 31, 1925. In the present proceeding applicant reports the actual receipts from the sale of stock from August 31, 1925, to July 31, 1926, at $800,990.98, which amount, as shown in the preceding statement, is deducted from actual expenditures prior to July 31, 1926. Inasmuch as the company reports the actual receipts from the sale of stock from August 31, 1925, to July 31, 1926, and deducts the same from its actual expenditures, the estimated receipts of $107,348 deducted from expenditures to August 31, 1925, in Application No. 11803, should be added to the $709,401.33, the reported unreimbursed balance as of that date, for otherwise the $107,348 would be deducted twice.

The expenditures made prior to July 31, 1926, are described in Exhibit "C," and those estimated for the remainder of 1926, in Exhibit "D," both attached to the application. The estimated expenditures consist of the following:

Steam plants	$1,200 00
Electric transmission	105,056 74
Electric substations	75,869 41
Electric distribution	135,288 70
Street lighting	5,084 54
Gas plants	3,804 63
Gas distribution	44,599 65
Water plants and storage	3,218 80
Water distribution	24,643 64
Office and miscellaneous buildings	36,661 56
Office equipment	7,740 05
Transportation equipment	888 34
Total	$444,056 06

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The estimated expenditures for 1927 are not set forth in this application. However, in view of the margin between the $500,000 of stock covered by this application and the $916,884.55 representing expenditures made, or to be made, during 1926, it seems unnecessary to give consideration to them at this time. The order herein, therefore, will authorize the issue of stock to finance, in part, expenditures up to the close of this year only.

ORDER.

Coast Valleys Gas and Electric Company having applied to the Railroad Commission for permission to issue and sell stock, a public hearing having been held, and the Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Coast Valleys Gas and Electric Company be and it hereby is authorized to issue and sell on or before December 31, 1927, $500,000 of its Series "B" 7 per cent cumulative preferred stock.

The authority herein granted is subject to the following conditions:

1. Applicant shall sell its stock at not less than the par value thereof. It may use, of the proceeds, an amount not exceeding $6 per share of stock sold to pay commissions and expenses incident to the sale thereof, and may use the remaining proceeds, and such portion of the $6 not needed to pay commissions and expenses incident to the sale of stock, to pay indebtedness and to reimburse its treasury on account of the expenditures made prior to July 31, 1926, referred to in the foregoing opinion, and to finance in part the cost of the estimated expenditures of $444,056.06 made or to be made during the last five months of 1926, provided that only such expenditures as are properly chargeable to capital accounts, as defined by the uniform classifications of accounts prescribed by this Commission, may be financed with such proceeds.

2. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

3. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this eleventh day of October, 1926.

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DECISION No. 17448.

IN THE MATTER OF THE APPLICATION OF FORT BRAGG ELECTRIC COMPANY, A CORPORATION, FOR AUTHORITY TO SELL THE ELECTRIC SYSTEM AND PROPERTIES OF SAID CORPORATION TO PEOPLES HYDRO-ELECTRIC CORPORATION, A CORPORATION, AND OF PEOPLES HYDRO-ELECTRIC CORPORATION, A CORPORATION, FOR AUTHORITY TO BUY SAID SYSTEM AND PROPERTIES AND TO ISSUE SHARES OF ITS CAPITAL STOCK OF THE PAR VALUE OF SEVENTY-FIVE THOUSAND DOLLARS, AND ITS FIRST MORTGAGE BONDS OF THE FACE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS.

Application No. 13034.

Decided October 13, 1926.

TRANSFER—ELECTRIC UTILITY—TO SELL.—Holding that the purchase price of $225,000 is excessive, and does not warrant the issue of that amount of stock and bonds, the Commission authorizes the proposed transfer on condition that no matter what amount is paid therefor the Commission will not recognize such payment in excess of $100,000 to be represented by stock and bonds herein authorized.

SECURITIES—STOCK AND BONDS—TO ISSUE.—Permission is granted to Peoples California Hydro-Electric Power Corporation to issue not more than $35,000 of stock and $65,000 of bonds in payment therefor.

Goodfellow, Eels, Moore and Orrick, by *T. W. Dahlquist*, for Peoples California Hydro-Electric Corporation.
Chas. A. Strong, for Fort Bragg Electric Company.

BY THE COMMISSION.

OPINION.

Fort Bragg Electric Company asks permission to sell its properties described in Exhibit "B" filed in this proceeding, to the Peoples California Hydro-Electric Corporation. The Peoples Hydro-Electric Corporation asks permission to purchase said properties and to issue in payment therefor $75,000 of its common capital stock and $150,000 of its first mortgage 15-year 5½ per cent bonds.

The Fort Bragg Electric Company, according to the record in this proceeding, renders retail electric service in and near the city of Fort Bragg, Mendocino County, and sells electric energy wholesale to the Mendocino Electric Light and Power Company. It is estimated that the city of Fort Bragg has a population of about 4000.

The Union Lumber Company owns 96.9 per cent of the outstanding stock of the Fort Bragg Electric Company. All the electrical energy distributed by the Fort Bragg Electric Company is generated at the lumber company's steam power plant and purchased from the lumber company. Energy is delivered to the Fort Bragg Electric Company at 2300 volts at the power house. A portion of the electric energy is distributed by the Fort Bragg Electric Company at that voltage in and near the corporate limits of Fort Bragg, while the remainder is stepped up to 6600 volts by three fifty kilovolt amperes transformers for

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ransmission over a three phase line to the Mendocino Electric Light nd Power Company at Jug Handle Creek, about five miles south of ort Bragg, and to rural customers en route. As of April 1, 1926, the ompany had 874 service connections and 1061 meters in service.

Appraisals of the properties involved in this application have been ubmitted by Day and Zimmerman, consulting engineers, and by C. T. ess, an assistant engineer for the Railroad Commission. As of April 1, 926, Day and Zimmerman in applicant's Exhibit No. 2 estimate the production cost new of the properties at $135,269 and the reproduction cost new less depreciation at $122,382. As of August 1, 1926, . T. Mess estimates the reproduction cost new of the properties at 125,958 and the reproduction cost new less depreciation at $86,245. he difference in the estimates representing the reproduction cost new the properties is accounted for primarily in the difference in the lowance for overhead expenses. Day and Zimmerman allow 20½ per nt and C. T. Mess 12 per cent for such purposes. The difference in e estimates representing the reproduction cost new less depreciation primarily accounted for by different methods being used to calculate e accrued depreciation. Reference is here made to the decision in pplication No. 12991 for a statement of the method employed in esti- ating the reproduction cost new less depreciation of the properties.

From applicant's Exhibit "C" it appears that W. B. Foshay Co. has greed to pay $225,000 for the properties of the Fort Bragg Electric ompany described in this application. It is of record that W. B. oshay Co. will cause the title to the properties of the Fort Bragg ompany, if that company is permitted to sell the same, to pass directly the Peoples California Hydro-Electric Corporation. In consideration causing said properties to be conveyed to the Peoples California ydro-Electric Corporation the Peoples California Hydro-Electric orporation asks permission to issue to W. B. Foshay Co. $75,000 of mmon stock and $150,000 of first mortgage 15-year 5½ per cent bonds.

We have considered the evidence submitted in this proceeding and e of the opinion that the amount of stock and bonds, which the eoples California Hydro-Electric Corporation asks permission to issue, excessive. Neither the earnings of the company nor any of the praisals of the properties submitted justify the issue of $225,000 of ock and bonds. In our opinion the Peoples California Hydro-Electric orporation should be permitted to issue not more than $35,000 of ock and $65,000 of bonds in payment in full for the properties of the ort Bragg Electric Company. If W. B. Foshay Co. or any one else sires to pay $225,000 cash for the properties they may do so, but this ommission will not recognize such payment as the value of the prop- ties as a basis for the fixing of rates or the issue of stock, bonds, notes any other form of indebtedness, including accounts payable or notes

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payable on or before one year after date. This decision contemplates that the purchasing company will pay $100,000 for the properties and no more, and that the $100,000 will be represented by the stock and bonds herein authorized. The order herein will require the purchasing company to stipulate that it will not at any time issue or record on its books any indebtedness to represent the difference between the stock and bonds herein authorized and the amount which W. B. Foshay Co. has agreed to pay for the properties.

ORDER.

Application having been made to the Railroad Commission for an order authorizing Fort Bragg Electric Company to sell and transfer its business and electric properties described in this application to the Peoples California Hydro-Electric Corporation, and the Peoples California Hydro-Electric Corporation having asked permission to acquire said properties and issue $75,000 of stock and $150,000 of its first mortgage bonds in payment for said properties, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the transfer of the properties should be authorized subject to the provisions of this order, and that the Peoples California Hydro-Electric Corporation should be permitted to issue not exceeding $35,000 of stock and not exceeding $65,000 of bonds in payment for said properties free and clear of all encumbrances; that the money, property or labor to be procured or paid for by the issue of said stock and bonds is reasonably required by applicant, Peoples California Hydro-Electric Corporation; that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expense or to income and that this application should be granted as herein provided and not otherwise; therefore,

It is hereby ordered, as follows:

1. Fort Bragg Electric Company may sell its properties generally described in the petition in this application and more particularly in applicant's Exhibit No. 1, to the Peoples California Hydro-Electric Corporation and said Peoples California Hydro-Electric Corporation is hereby permitted to acquire said properties and to issue in full payment therefor, provided it acquire the same free and clear of all encumbrances, not exceeding $35,000 of common stock and not exceeding $65,000 face amount of 5½ per cent first mortgage 15-year gold bonds.

2. The authority herein granted will not become effective until Peoples California Hydro-Electric Corporation has filed with the Commission in satisfactory form a stipulation duly and legally executed by its proper officers authorized by its board of directors agreeing that it will never issue or record on its books any form of indebtedness to represent the difference between the $100,000 of stock and bonds herein

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authorized to be issued and the $225,000 which W. B. Foshay Co. has agreed to pay for the properties of Fort Bragg Electric Company, nor create any form of indebtedness payable to its stockholders or affiliated companies, except in such amounts as may represent funds necessary for the actual operation of its properties; nor will the authority herein granted to issue bonds become effective until the Commission has entered a supplemental order authorizing the Peoples California Hydro-Electric Corporation to execute a mortgage and/or deed of trust to secure the payment of the bonds herein authorized to be issued, and until Peoples California Hydro-Electric Corporation has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $65.

3. Under the authority herein granted no properties may be transferred and no stock and bonds issued after March 1, 1927.

Dated at San Francisco, California, this thirteenth day of October, 1926.

DECISION No. 17450.

CHARLES HARLEY COMPANY

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

Case No. 2261.

Decided October 13, 1926.

RATES — STEAM RAILROAD — SCRAP METAL — RAGS — REPARATION. — Reparation awarded of all charges collected in excess of 35½ cents per 100 pounds for the transportation of scrap metal, and 65 cents per 100 pounds for rags, from Fresno to San Francisco.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, organized under the laws of the State of California, with its principal place of business at San Francisco, is engaged in buying and selling junk and scrap metal.

By complaint filed August 6, 1926, it is alleged that the rate assessed and collected on two carloads of scrap copper, lead and rags moved during January, 1925, from Fresno to San Francisco was unreasonable to the extent it exceeded a rate of 35½ cents per 100 pounds, minimum carload weight 50,000 pounds, on the scrap copper and lead and a rate of 65 cents per 100 pounds on the actual weight of the rags.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Charges on the shipments involved were assessed on the basis of the lawfully applicable fifth class rate of 44 cents as published in Atchison, Topeka and Santa Fe Railway Tariff 9885-E, C. R. C. 504. Defendant contemporaneously maintained a rate of 35½ cents per 100 pounds,

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minimum carload weight 50,000 pounds, on scrap metal from Los Angeles to San Francisco, but this rate was nonintermediate in application. Effective September 10, 1925, defendant voluntarily established a rate of the same volume from Mojave, Bakersfield and Fresno to San Francisco. Complainant bases its plea for reparation upon the lower rate subsequently established.

Defendant admits the allegation of the complaint and has signified a willingness to make reparation adjustment; therefore, under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the rate of 44 cents assessed on the scrap metal was unreasonable to the extent it exceeded the subsequently established rate of 35½ cents, minimum weight 50,000 pounds. The less than carload quantity of rags is subject to the current second class rate of 65 cents. We further find that complainant paid and bore the charges on the shipments involved and has been damaged to the extent of the difference between the freight charges paid and those that would have accrued at the rates herein found reasonable and that it is entitled to reparation.

Complainant will submit statement to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation, the matter may be referred to the Commission for further attention and the entry of a supplemental order should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the defendant, Atchison, Topeka and Santa Fe Railway Company, be and it is hereby authorized and directed to refund to complainant, Charles Harley Company of San Francisco, in connection with the shipments involved in this proceeding moving from Fresno to San Francisco during January, 1925, all charges it may have collected in excess of 35½ cents per 100 pounds, minimum weight 50,000 pounds, on the scrap metal, and 65 cents per 100 pounds on the rags.

Dated at San Francisco, California, this thirteenth day of October, 1926.

DECISION No. 17454.

IN THE MATTER OF THE APPLICATION OF THE WILLITS TELEPHONE AND TELEGRAPH COMPANY FOR AN ORDER AUTHORIZING IT TO FILE RATE FOR PUBLIC PAY STATION SERVICE, RULES AND REGULATIONS RELATING TO SERVICE CONNECTION CHARGES, RESTORATION, CHARGES, MOVES AND CHANGES, AND TO FILE TOLL AND TELEGRAPH RATES.

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Application No. 12875.
Decided October 13, 1926.

RATES—TELEPHONE AND TELEGRAPH—TO FILE.—Authority granted to file rate of five cents a call for local messages from public pay stations, and for the establishment of standard charges for moves and changes of equipment, and to file present rates for service as the legal rates of the utility.

W. L. Prothero, for Applicant, Willits Telephone and Telegraph Company.
Dr. C. M. Winchester, interested party, for himself and other subscribers.

BY THE COMMISSION.

OPINION.

This is a proceeding in which Willits Telephone and Telegraph Company, a corporation, hereinafter called applicant, requests authority to establish a charge of 5 cents for public telephone service; to file and make effective rules and regulations relative to charges for service connection, restoration of service, and moves and changes; and to file certain toll and telegraph rates.

A public hearing was held in this matter before Examiner Austin in Laytonville on September 20, 1926, at which time and place it was submitted for decision.

Authority is asked for the establishment of a charge of 5 cents for each local telephone message from public pay stations. Request by applicant was made at the hearing for permission to amend the application in that the amount of the charge per local telephone message from public pay stations should be 25 cents, the present effective rate. It appears that the charge for such messages over local lines should be 5 cents, which is the rate generally in effect in California and the order following will so provide.

Applicant also asks for authority to place in effect rules and regulations relating to "Service connection" and "Move and change" charges as granted by this Commission to many other telephone companies now operating within this state and as found reasonable in this Commission's Decision No. 8146 (18 C. R. C. 912), dated September 24, 1920, and Decision No. 13478 (24 C. R. C. 854), dated April 24, 1924. There appears to be no good reason why applicant should not file and make effective similar rules and regulations.

Authority is requested for filing certain telephone toll rates and telegraph rates, which are the same rates as are now being charged and which have been charged by applicant for a number of years past.

This Commission, in its Decision No. 9957 (21 C. R. C. 59), dated December 31, 1921, authorized applicant to charge certain telephone toll rates for calls over its lines from Willits *to* Laytonville, Longvale, Branscomb, Westport, Dos Rios, and Covelo, but did not authorize any rates *from* these exchanges and toll stations to Willits, nor any rates between any of these exchanges or toll stations. The toll station at

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Westport has been discontinued by applicant and a new toll station at Bell Springs has been established. Applicant has on file with this Commission the rates authorized in Decision No. 9957 and now desires to file rates from Willits to Bell Springs and rates for service between any two of said exchanges and toll stations, including Bell Springs and excluding Westport. The rates previously authorized by this Commission seem consistent with the nature of the service rendered by applicant, and the additional rates, as applied for, seem consistent with those previously authorized. The order following will authorize the filing of these application rates.

Applicant also desires authority to file and make effective certain telegraph rates, which are the same as are now being charged and which have been applied for several years. The telegraph rates requested are 30 cents for each ten-word telegram, with additional words at 2½ cents each between any two toll stations or exchanges on applicant's system, 45 cents for each fifty-word day letter, with an additional charge of 9 cents for each additional ten words, and 30 cents for each fifty-word night letter, with an additional charge of 6 cents for each additional ten words.

It is the desire of applicant that these telephone toll rates and telegraph rates be made applicable to nonsubscribers only of the Willits company.

No testimony in opposition to the granting of the application was given at the hearing.

ORDER.

Willits Telephone and Telegraph Company, applicant in this proceeding, having requested this Commission to make its order authorizing applicant to file certain rates, rules and regulations, a public hearing having been held, the matter having been submitted and being now ready for decision,

The Railroad Commission of the State of California hereby finds as a fact that the rates applied for, with the exception of the public pay-station rate, are just and reasonable.

Basing its order on the foregoing finding of fact and on such other findings and statements of fact as are set forth in the opinion preceding this order;

It is hereby ordered, that Willits Telephone and Telegraph Company shall, on and after January 1, 1927:

(1) Charge and collect the sum of 5 cents for each local telephone message from public telephone stations;

(2) Charge and collect the "Service connection" and "Restoration" charges set forth in Exhibit "A" attached hereto;

(3) Charge and collect the "Move and change" charges as set forth in Exhibit "B" attached hereto;

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4) Charge and collect the rates for toll telephone service as set forth Exhibit "C" attached hereto;

5) Charge and collect the rates for telegraph service as set forth in ıibit "D" attached hereto;

6) File definitions, rules and regulations governing telephone serv- similar to those definitions, rules and regulations as set forth in this nmission's Decision No. 13478, except as modified in Exhibits "A" "B," and as may be approved by this Commission.

t is hereby further ordered, that the rates, rules and regulations ve ordered into effect shall be submitted to this Commission for ıg on or before December 31, 1926.

For all other purposes the effective date of this order shall be twenty s from and after the date hereof.

Dated at San Francisco, California, this thirteenth day of October, 6.

EXHIBIT "A."

SERVICE CONNECTION CHARGES.

Service Connection Charges.

ervice connection charges provided for hereunder are payable at the time appli- on for the particular service or facility is made, and are in addition to the ılar schedule of rates.

ervice connection charges apply to all exchange service and facilities, except ner line service, in accordance with the following provisions:

New service.	Service connection charges
Business and residence, each station	$3.50
Extension stations:	
Business and residence, each station	1 50
Additional service.	
Business and residence, each station	3 50
Extension stations:	
Business and residence, each station	1 50
Service where instrumentalities are already in place on subscriber's prem- ses and no change in type or location of facilities is involved.	
Business and residence, subscriber's exchange service, except farmer line service, one or more units	1 50

change in location or type of instrumentalities made at subscriber's request is ject to the charges for moves and changes, provided the total charges for such es and changes shall not exceed the charges for the initial establishment of the scriber's complete service and facilities.

ervice connection charges do not apply under the following conditions:

usiness service.

(a) When service is assumed by a receiver or by trustee, executor or administrator of an estate.

(b) Change in the name of the business concern (*i.e.*, individual, partnership, syndicate or corporation) when there is no complete change in ownership or management.

esidence service.

(a) When service is assumed by a member of the former subscriber's family located in the same premises.

(b) When there is no change in the individuality of the recipient.

(c) When the subscriber's name has been changed by marriage or court order.

Service Charges for Restoration of Service.

service charge of $1 may be made and collected by the company before the oration of service where service has been temporarily discontinued for any of following reasons:

1) Nonpayment of bills as required by the company's rules and regulations.

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(2) To protect the company against fraud.
(3) For failure of subscriber to comply with the company's rules and regulations after service has been established.
(4) For any other reason for which subscriber is responsible, except a change in class, type, or grade of service or location of facilities.

When a service has been permanently disconnected, the above charge does not apply.

EXHIBIT "B."

MOVES AND CHANGES.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such work will be as follows:

A. *Telephone Sets.*

1. Moving from one location to another	$3 00
2. Change in type or style	3 00

C. *Other Equipment and Wiring.*

Charges for moving or changing equipment or wiring, other than that included under "A" above, will be an amount equal to the actual cost of labor and material involved.

D. *Maintenance.*

The charges specified above do not apply if the changes or moves are initiated by the company and required for the proper maintenance of the equipment or service.

E. *Change in Class of Service.*

The charges specified above do not apply if the changes are required because of a change in the type, class or grade of service.

EXHIBIT "C."

LONG DISTANCE TELEPHONE TOLL RATES.

	From						
To	Brans-comb	Bell Springs	Covelo	Dos Rios	Layton-ville	Long-vale	Willits
Branscomb	$ --	$.35	$.35	$.35	$.25	$.35	$.35
Bell Springs	.35	--	.35	.35	.25	.35	.35
Covelo	.35	.35	--	.25	.25	.35	.35
Dos Rios	.35	.35	.35	--	.25	.35	.35
Laytonville	.25	.25	.25	.25	--	.25	.25
Longvale	.35	.35	.35	.35	.25	--	.35
Willits	.35	.35	.35	.35	.25	.35	--

Average rates are for an initial period of 3 minutes.
Overtime in all cases chargeable at 10c for each additional minute.
Above rates apply to nonsubscribers only.
Above rates apply alike to Person-to-Person, Station-to-Station, Appointment and Messenger service calls.

EXHIBIT "D."

TELEGRAPH RATES.

1. Telegrams.

First 10 words or less	$.30
Additional words, each	.025

2. Day letters.

First 50 words or less	.45
Each additional 10 words or less	.09

3. Night letters.

First 50 words or less	.30
Each additional 10 words or less	.06

Above rates are applicable to service between any two of the company's exchanges or toll stations listed below:

Branscomb
Bell Springs
Covelo
Dos Rios
Laytonville
Longvale
Willits

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DECISION No. 17456.

IN THE MATTER OF THE APPLICATION OF HOLLYDALE WATER COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE CAPITAL STOCK AND TO FIX RATES.

Application No. 13015.

IN THE MATTER OF THE APPLICATION OF HOLLYDALE WATER COMPANY FOR AN ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Application No. 13131.

Decided October 13, 1926.

TRANSFER—WATER UTILITY—CERTIFICATE—RATES.—Hollydale Water Company authorized to acquire water plant of Mercantile Investment Company, and to operate the same at rates established by the Commission.

SECURITIES—STOCK—TO ISSUE.—Applicant authorized to issue $92,800 of stock to defray the cost of same, and to finance additions and betterments and to provide working capital.

Abrahams and Sadicoff, by *H. G. Sadicoff*, for Applicant.

WHITSELL, *Commissioner*.

OPINION.

In these two proceedings the Railroad Commission is asked to make an order granting to Hollydale Water Company a certificate of public convenience and necessity; authorizing it to issue $100,000 of stock; and fixing the rates which it shall charge for water sold and delivered by it.

A public hearing was held on these matters in Los Angeles on September 2, 1926, at which time they were consolidated for the purpose of receiving evidence and for decision. At the hearing no one appeared to protest the granting of the company's requests.

The region to be served by applicant is a tract containing about 350 acres of land, known as Hollydale, located along the lines of the Los Angeles and Salt Lake Railroad between the cities of Los Angeles and Long Beach. It appears that this district is now being subdivided and developed, for residential and industrial occupancy, by Mercantile Investment Company, which company has installed a water system to aid in the sale of lots and to supply water to the purchasers thereof. In this connection it is reported that the territory is not served by any other public utility and that it is not in a position where it can obtain service from any other public utility or private concern.

The water system installed by the present owners is described in Exhibit "A," filed with Application No. 13015, and in Exhibit "1," filed at the hearing, and consists, in general, of three parcels of real estate, lots 13 and 14, block 11, and lot 20, block 13; two wells, one in service, drilled to a depth of 600 feet, and the other, capped at present, drilled to a depth of 500 feet; pumping equipment at the first well, consisting of two Westco pumps, two 15 horsepower fifty cycle motors

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and pipes, fittings, gauges and other equipment; and a distributing system consisting of about 59,955 feet of two, three, four, five, six and eight inch O.D. casing pipe. At present there are about fifty services installed, none metered.

A valuation of the system, prepared by the Engineering Service Corporation, shows the estimated reproduction cost as follows:

1. Main plant—			
Real estate		$5,583 00	
Buildings at Well No. 1		666 50	
Wells:			
No. 1 in service	$2,760 00		
No. 2 capped	2,500 00		
		5,260 00	
Equipment:			
Well No. 1—pumps, motors, pressure system, etc.		3,398 30	
			$14,907 80
2. Mains and distributing system—			
Mains and laterals, 59,955 feet		$26,140 40	
Installation		13,460 55	
Service connections		2,953 50	
Valves, fittings, etc.		801 45	
			43,355 90
3. Fire protection system—			
71 hydrants and valves			674 50
4. Lot easements			4,600 00
Total			$63,538 20
Less depreciation			2,597 60
Balance			$60,940 60
Going concern value			7,159 40
Total			$68,100 00

It is proposed to transfer the water system to applicant, free and clear of indebtedness for $68,100 of stock. It will be noticed, however, that there is included in the foregoing tabulation an item of $7,159.40 for going concern value, which we are asked to recognize as a basis for an order authorizing the issue of stock of like amount. In support of this request the testimony of L. W. Babcock, applicant's manager, shows the following:

> In arriving at the valuation of "going concern value" we have regarded this item essentially as being the cost of reproducing a given income. Inasmuch as this property is in the initial earning period it can not be regarded as having a net revenue. However, even though it shows an operating loss it has a "going value," for it has earnings or *gross* income. This system has a deferred, but undoubted, earning capacity, and the going value is affected by the period required to develop the business. We have for these purposes capitalized the anticipated average net earnings (based on a fair water rate) for a period of five years from date. We have reduced this capitalized value of five years hence to present worth today. The difference between the estimated present worth and our appraised reproduction cost less depreciation we call our "going concern value."

I am unable to agree with applicant's method of determining a going concern value, and believe that the $7,159.40 included in the valuation

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s representing going concern value should be eliminated. Deducting he $7,159.40 from the valuation submitted leaves a balance of 60,940.60.

After acquiring the water properties applicant proposes to expend uring the next two years about $31,600 for additional equipment and ther purposes, consisting of the following:

1 60,000 gallon 100 foot steel tank	$6,000 00
500 ¾ inch meters, resident property, @ $17.35 each	8,675 00
50 2 inch meters, industrial property, @ $75 each	3,750 00
100 1 inch meters, business property, @ $25.41 each	2,541 00
Duplicate pumping equipment and installation	4,000 00
Working capital and general purposes	6,834 00
Total	$31,600 00

The company asks permission to issue $31,600 of stock for these purposes and it reports that such stock will be issued at par and purchased y Mercantile Investment Company.

Applicant has filed, as its Exhibit "C," a copy of its proposed rate chedule, which is as follows:

Monthly minimum charges for metered use—

For ⅝ inch meters	$1.25 per 100 cubic feet
For ¾ inch meters	2.00 per 100 cubic feet
For 1 inch meters	3.00 per 100 cubic feet
For 1½ inch meters	5.00 per 100 cubic feet
For 2 inch meters	8.00 per 100 cubic feet

Monthly quantity rates—

For use between 0 and 400 cubic feet	$0.315 per 100 cubic feet
For use between 400 and 2000 cubic feet	.21 per 100 cubic feet
For use over 2000 cubic feet	.18 per 100 cubic feet

The order herein will establish the rates which applicant will be ermitted to charge. The order will also grant the request for a certifiate of public convenience and necessity, but will authorize the issue f only $92,800 of stock, of which $60,900 may be delivered in payment or the water system, $31,600 in payment for additions and extensions nd working capital, and $300 to applicant's incorporators.

I herewith submit the following form of order:

ORDER.

Hollydale Water Company having applied to the Railroad Commission for a certificate of public convenience and necessity and for an rder fixing rates and authorizing the issue of $100,000 of stock, a ublic hearing having been held, and the Railroad Commission being f the opinion that the issue of only $92,800 of stock should be authored and that the issue of such stock is reasonably required by applint, and that in other respects the applications should be granted as erein provided:

The Railroad Commission of the State of California hereby declares

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that present and future public convenience and necessity require and will require that Hollydale Water Company, a corporation, acquire and operate a water system for the purpose of supplying water for domestic and industrial purposes in the district referred to in the foregoing opinion;

It is hereby ordered, that Hollydale Water Company be and it hereby is directed to file with the Railroad Commission of the State of California within twenty days from the date of this order the following schedule of rates to be charged for all service rendered subsequent to the effective date hereof:

Flat Rates.

Three-quarter inch service, per month	$1 50

Meter Rates.

1. Minimum monthly charges—

⅝ inch meters	$1 25
¾ inch meters	2 00
1 inch meters	3 00
1½ inch meters	5 00
2 inch meters	8 00

2. Monthly quantity rates—

0 to 400 cubic feet per 100 cubic feet	$0 31½
400 to 2000 cubic feet per 100 cubic feet	21
2000 to 4000 cubic feet per 100 cubic feet	18
4000 to 6000 cubic feet per 100 cubic feet	15
Over 6000 cubic feet per 100 cubic feet	10

NOTE.—The above "Monthly Minimum Charges" entitle the consumer to the quantity of water due under the "Monthly Quantity Rates."

It is hereby further ordered, that Hollydale Water Company be and it is hereby directed to file with the Railroad Commission within thirty days from the date of this order, rules and regulations governing the distribution of water to consumers, such rules and regulations to become effective upon their acceptance by this Commission.

It is hereby further ordered, that Hollydale Water Company be and it hereby is authorized to issue at not less than par not exceeding $92,800 of stock, and to sell $300 thereof to its incorporators and to use the proceeds for organization expenses and working capital, and to deliver $60,900 in full payment for the water system now owned by Mercantile Investment Company and to sell $31,600 to finance the cost of the additions and extensions referred to in the foregoing opinion and to provide working capital.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General

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er No. 24, which order, in so far as applicable, is made a part of order.

The authority herein granted will become effective twenty days r the date hereof.

is hereby further ordered, that Application No. 13015 in so far as volves the request to issue $7,200 of stock be and it is hereby dis- ed without prejudice.

he foregoing opinion and order are hereby approved and ordered as the opinion and order of the Railroad Commission of the State alifornia.

ated at San Francisco, California, this thirteenth day of October, ;.

Decision No. 17472.

HE MATTER OF THE APPLICATION OF THE GOLDEN GATE FERRY COMPANY, A CORPORATION, FOR PERMISSION TO ISSUE BONDS TO ACQUIRE ADDITIONAL FERRY BOATS.

Application No. 13124.

Decided October 13, 1926.

RITIES—BONDS—STOCK—TO ISSUE.—The Golden Gate Ferry Company having applied for permission to issue $2,260,000 of bonds and $540,000 of common stock, permission is granted to issue $1,550,000 of first mortgage 7 per cent fifteen year bonds, and $540,000 of stock. The application is denied in relation to $710,000 of bonds.

'GAGE—TO MODIFY.—Holding that the ratio of stock and bonds should be held at 50 per cent of each, as prescribed in a previous decision, permission is denied to modify the mortgage and/or deed of trust to permit the issuance of bonds up to 70 per cent of the cost of new properties.

n and Brookman and *Dudley D. Sales*, by *Douglas Brookman*, for Applicant.

HE COMMISSION.

OPINION.

ıe Golden Gate Ferry Company asks permission to issue and sell ɔt less than par $2,260,000 face amount of bonds and $540,000 par e of stock and use the proceeds to acquire and construct five ferry s and its Berkeley terminal. It also asks permission to amend its gage and/or deed of trust executed under the authority granted)ecision No. 17185, dated August 2, 1926, as amended, in Applica- No. 12796, as follows:

) To change the ratio of bonded indebtedness to applicant's properties to not ding 70 per cent in lieu of 50 per cent as now provided, so that bonds may be l up to 100 per cent of additions or betterments until the 70 per cent ratio is ed, and thereafter up to 70 per cent of improvements and betterments;

) To change the sinking funds provided for future issues of applicant's bonds to require a sinking fund on each issue not less than that now in effect for 700,000 of bonds of applicant now outstanding;

) To change in certain details the provisions of sections 25 and 26 of said indenture relating to the construction of the Berkeley wharf, with the object ɔrtening and simplifying these provisions.

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In Application No. 13124, as originally filed and amended at the hearing had on September 10, 1926, before Examiner Fankhauser, The Golden Gate Ferry Company asked permission to issue $2,800,000 of its first mortgage 7 per cent fifteen-year bonds. On September 28 applicant filed its amended application in which it asks permission, as stated herein, to issue $2,260,000 of said bonds and $540,000 of common stock.

By Decision No. 16944, dated June 15, 1926, as amended, in Application No. 12796, the Commission authorized The Golden Gate Ferry Company to issue $1,000,000 of stock and $700,000 of 7 per cent fifteen-year first mortgage bonds to qualify directors ($1,000 of stock) and to acquire the properties of The Golden Gate Ferry Company and finance the acquisition and construction of the new ferryboat M. S. *Golden State.*

By Decision No. 17185, dated August 2, 1926, as amended, the Commission authorized applicant to execute a mortgage and/or deed of trust. This instrument secures the payment of an authorized bond issue of $5,000,000. It appropriates $700,000 of said bonds to pay in part of the properties of The Golden Gate Ferry Company and for the acquisition and construction of the ferryboat M. S. *Golden State.* It provides that $300,000 of additional bonds may be issued up to but not exceeding 100 per cent of the reasonable cost of purchase, construction or other acquisition of such pier (Berkeley), ferryboats, and/or betterments and improvements in respect to which the company proposes to issue such bonds, and no additional bonds over and above said $300,000 in principal amount thereof shall be issued exceeding in aggregate or principal amount 50 per cent of such reasonable cost. The mortgage further provides that no additional bonds shall be authenticated and delivered by the trustee except at a time when the net earnings of the company (including the earnings of its predecessor) for twelve consecutive months within the last fourteen calendar months preceding such delivery shall have amounted to at least one and three-fourths times the annual interest upon all bonds then outstanding herein plus the additional bonds then proposed to be authenticated and delivered. Net earnings are to be determined by deducting from the gross earnings of the company all current operating and maintenance expenses paid or accrued, including taxes (except Federal income taxes), excises, license fees, rentals and adequate expenses or charges of proper current maintenance, but not including interest paid or payable on bonded indebtedness, Federal income taxes or any allowance for depreciation in value of company properties not preventable by current maintenance.

The Commission has upon two occasions investigated the rates of applicant's predecessor, The Golden Gate Ferry Company. In each

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)ceeding representatives of the company called the Commission's ention to a loss in revenue that would result from possible competi- n with the Northwestern Pacific Railroad Company. The Commis- n's attention also was directed to unusual hazards that are involved the operation of the company's business. Inasmuch as these matters re presented in a formal proceeding, we believe we can take judicial tice thereof as well as of the Commission's decisions.

In Decision No. 17030, dated July 2, 1926, in Case No. 2221, the mmission says:

> Although this latter estimated rate of return (10.9 per cent) is quite liberal, re should be taken into consideration the fact that in addition to the general ard of the business this carrier is faced with the possibility of more effective ıpetition from another carrier serving this territory, in which event sufficient ffic might be deflected from The Golden Gate Ferry Company to materially uce the rate of return as estimated. Under these circumstances it does not seem per to find that this rate of return is unreasonably high. The conclusion is scapable, however, that based upon the present facilities in service and the quality service given with these facilities, the rates now charged by the company would excessive, but, on the other hand, these same rates would be reasonable if sufficient ney had been invested to provide adequate facilities and the higher grade of vice were being rendered.

In its order in Decision No. 17030, the Commission directs the com- ny to construct, purchase or acquire on or before February 1, 1927, least two additional ferryboats of a capacity and design which shall :et the approval of the Commission and to thereafter operate said :ryboats together with the existing fleet or its equivalent in its 'vice between San Francisco and Sausalito at all times that traffic ıuirements justify.

In Decision No. 17897, dated July 7, 1926, in Application No. 12661, e Commission declares that the present and future public conven- ıce and necessity require the operation by The Golden Gate Ferry ımpany of vessels across the inland waters of the State of California tween the city and county of San Francisco and the city of Berkeley, e operation of said vessels to be limited to the transportation of hicles together with the occupants thereof and the freight thereon d grants to said company a certificate to operate said vessels. From e Commission's decision it appears that the company proposes to ild a pier three and one-half miles long from the foot of University enue in Berkeley and to operate three boats on a twenty-minute ıedule between 6.30 a. m. and 7 p. m. and thereafter on a schedule of eater intervals. After a consideration of the evidence the Commis- ın concludes that the company should provide itself with four boats stead of three boats to accommodate properly the traffic. In that cision it further appears that the probable rate base necessary to

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provide the four-boat operation would be approximately $2,565,000 and the estimated return for 1927 to be as follows:

Operating revenues	$732,000 00
Operating expenses	543,000 00
Net operating revenue	$189,000 00
Deduct taxes	26,000 00
Net income	$163,000 00

This net income of $163,000 represents a return of about 6.4 per cent on a rate base of $2,565,000. It further appears from the Commission's decision that five boats will be required in 1928, which would make the probable rate base $2,992,000. This operation would yield a net income of $193,000 which would be a return of 6½ per cent on that rate base.

Applicant reports that it intends to forthwith proceed with the acquisition and construction of five additional ferryboats and with the construction of the Berkeley pier and terminal. The five additional ferryboats which applicant proposes to acquire are to be of the type of the M. S. *Golden State* recently put into operation in applicant's service between the city and county of San Francisco and the city of Sausalito. Each boat is to be equipped with three full Diesel engines of 400 horsepower each; is to be constructed of wood of an approximate length of 240 feet and with a beam of approximately 64 feet and a net tonnage of 560 tons. Boats of the type of the M. S. *Golden State* are satisfactory. It is estimated that the cost of each of the five additional boats will be $380,000 or a total cost of $1,900,000. It is further estimated (applicant's Exhibit No. 1) that the cost of the Berkeley pier and terminal will be $900,000, which added to the $1,900,000 makes a total of $2,800,000. To finance the acquisition and construction of properties costing $2,800,000 the company proposes to issue at not less than par $2,260,000 of its first mortgage 7 per cent fifteen-year bonds and $540,000 of common stock. We believe that the proposed bond issue is excessive and that the company should not be permitted to issue bonds in excess of $1,550,000. The remainder of the moneys that may be necessary to acquire and construct the five vessels and the Berkeley pier should be obtained from the issue of common stock or from the income of the company as said term "income" is used in section 52 of the Public Utilities Act. The company in this application asks permission to issue only $540,000 of common stock. This request will be granted. But, inasmuch as applicant asks permission to issue only $540,000 of stock, we can not at this time authorize it to issue

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additional stock to offset the amount of bonds which applicant will not be permitted to issue. If applicant desires to issue additional stock, it should file a supplemental application.

We believe that the provision of the existing mortgage and/or deed of trust of The Golden Gate Ferry Company limiting the issue of bonds to not exceeding 50 per cent of the cost of properties is so sound and so much in the public interest, particularly for companies of this kind, that it should not be changed. The request of the company in this particular, therefore, will be denied. Its request to modify the sinking fund provision and sections 25 and 26 of said mortgage and/or deed of trust will be given further consideration if applicant will file with the Commission a complete copy of the changes it proposes to make in said sinking fund provision and in said sections 25 and 26 and its reasons for wanting to make such changes.

ORDER.

The Golden Gate Ferry Company having applied to the Railroad Commission for permission to issue $2,260,000 of bonds and $540,000 of common stock and to make certain changes in its proposed mortgage and/or deed of trust, a public hearing having been held and the Commission being of the opinion that the company should be granted permission to issue $1,550,000 of first mortgage 7 per cent fifteen-year bonds and $540,000 of stock and that this application should be denied in so far as it involves the issue of $710,000 of bonds and modify the company's mortgage and/or deed of trust so as to permit the issue of bonds up to 70 per cent of the cost of new properties, and the Commission being further of the opinion that the money, property or labor to be procured or paid for by the issue of the bonds or stock herein authorized is reasonably required by applicant for the purposes specified in this order and that the expenditures for said purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, as follows:

1. The Golden Gate Ferry Company may issue and sell at not less than par on or before April 1, 1927, $1,550,000 of its first mortgage fifteen-year 7 per cent bonds and $540,000 of its common stock.

2. The Golden Gate Ferry Company shall use the proceeds from the sale of the bonds, other than accrued interest, and stock herein authorized to pay in part the cost of the construction of the ferry boats and the Berkeley pier and terminal, referred to in this application; said boats, pier and terminal to be constructed in accordance with the plans and specifications now on file in this proceeding. The accrued interest may be used for general corporate purposes. Any proceeds not needed for any of the aforesaid purposes may be expended only for such

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purposes as the Commission will authorize in a supplemental order or orders.

3. This application, in so far as it involves the issue of $710,000 of bonds and the modification of the company's mortgage and/or deed of trust so as to permit the issue of bonds up to 70 per cent of the cost of properties, is hereby denied without prejudice.

4. The authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $1,275.

5. The authority herein granted to issue stock will become effective upon the date hereof.

6. The Golden Gate Ferry Company shall keep such record of the issue and sale of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this thirteenth day of October, 1926.

DECISION No. 17473.

IN THE MATTER OF THE APPLICATION OF CENTRAL WAREHOUSE AND DRAYAGE COMPANY FOR AUTHORIZTION AND PERMISSION TO ISSUE FIVE SHARES OF ITS CAPITAL STOCK.

Application No. 13233.

Decided October 13, 1926.

SECURITIES—STOCK—TO ISSUE.—Application granted.

Samuel M. Roeder, for Applicant.

BY THE COMMISSION.

ORDER.

Central Warehouse and Drayage Company, a corporation organized on or about September 28, 1926, primarily for the purpose of engaging in the warehouse and drayage business in the city and county of San Francisco, having applied to the Railroad Commission for permission to issue and sell at par five shares of its capital stock of the aggregate par value of $500, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Central Warehouse and Drayage Company be and it is hereby authorized to issue and sell, for cash, at not less

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than par, five shares of its common capital stock of the aggregate par value of $500, and to use the proceeds to pay organization and incorporation expenses.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this thirteenth day of October, 1926.

DECISION No. 17481.

IN THE MATTER OF THE APPLICATION OF B. H. STEFFEN, DOING BUSINESS UNDER THE NAME OF CHICO VECINO WATER COMPANY, FOR ORDER AUTHORIZING SALE AND CONVEYANCE OF THE SAID CHICO VECINO WATER COMPANY AND WATER SYSTEM, AS A WHOLE, TO C. B. JACKSON.

Application No. 13250.

Decided October 16, 1926.

TRANSFER—WATER UTILITY—TO SELL.—Application granted.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order authorizing B. H. Steffen, an individual doing business under the firm name and style of Chico Vecino Water Company, to sell and transfer his properties and business to C. B. Jackson for, and in consideration of, the sum of $65,000 payable in cash.

The properties involved in this proceeding are used to supply water for domestic and other purposes in a portion of the city of Chico, and vicinity, Butte County. On December 8, 1922, the Commission, on its own motion, instituted an investigation into the rates, rules, regulations and practices of the present applicant, and in its decision in that investigation, Decision No. 11675, dated February 17, 1923, adjusted the rates charged on the system, using as a rate base the sum of $53,636, which was said to be the estimated original cost of the system as of December 1, 1922, as determined by the Commission's engineering department. For a description of the system reference may be made to the decision (Vol. 23, Opinions and Orders of the Railroad Commission of California, page 107).

At the time of the former decision it was reported that 380 consumers were served. The Commission has been advised, in connection with

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this proceeding, that since that time approximately 150 consumers have been added, making a total served at this time somewhat in excess of 500. Under the circumstances set forth we are willing to authorize the transfer of the properties at the price indicated. Such authorization is not to be construed, however, as a finding of value of the properties nor as binding the Commission at some future date to recognize the purchase price to be paid by C. B. Jackson as the basis for an order fixing rates or permitting the issue of securities or for any purpose other than the transfer to be authorized herein.

ORDER.

Application having been made to the Railroad Commission for an order authorizing B. H. Steffen to sell and transfer a public utility water system to C. B. Jackson, and the Commission being of the opinion that this is a matter in which a public hearing is not necessary, and that the application should be granted as herein provided;

It is hereby ordered, that B. H. Steffen, doing business under the firm name and style of Chico Vecino Water Company, be and he is hereby authorized to sell and transfer to C. B. Jackson for and in consideration of the sum of $65,000, payable in cash, the public utility water system and properties referred to in this proceeding and described in Exhibit "A" attached hereto.

The authority herein granted is subject to the following conditions:

1. The price at which B. H. Steffen is authorized to transfer his water system shall not be urged, hereafter, before this Commission or other public body or court having jurisdiction as a measure of value of such system for any purpose other than the transfer herein authorized.

2. Within thirty days after the transfer of the properties B. H. Steffen shall file with the Commission a certified copy of the instrument of conveyance and shall at the same time file a certified statement indicating the exact date upon which he relinquished possession and control of the system.

3. All consumers' deposits which are to be returned under the rules, regulations and contracts of B. H. Steffen are to be transferred to the purchaser and returned by him pursuant to said rules, regulations and contracts.

4. C. B. Jackson, if he purchases the properties herein referred to shall continue in effect the rates, rules and regulations of B. H. Steffen now on file with the Railroad Commission.

5. The authority herein granted will become effective twenty days after the date hereof.

Dated at San Francisco, California, this sixteenth day of October, 1926.

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EXHIBIT "A."

The properties authorized to be transferred by B. H. Steffen to C. B. Jackson by the order preceding this exhibit, are as follows:

All of the water business now being conducted by the said B. H. Steffen at Chico, California, under the name of Chico Vecino Water Company, and all of the franchises and properties belonging to or used in conducting said business, whatsoever the name may be and wheresoever the same may be situated and under whatsoever title or right the same may be held or claimed, and particularly all that certain lot, piece or parcel of land situate, lying and being in the city of Chico, county of Butte, State of California, more particularly described as follows, to wit:

> Beginning at the northeasterly corner of lot six (6) of block forty-five (45) of Chico Vecino according to the official map thereof on file in the office of the recorder of the county of Butte; thence from said point of beginning westerly along the northerly line of the said lot six (6) a distance of ninety (90) feet; thence southerly parallel to the easterly line of the said lot a distance of twenty-four (24) feet; thence easterly parallel to the northerly line of the said lot a distance of thirty-five (35) feet; thence southerly parallel to the easterly line of the said lot a distance of sixteen (16) feet; thence easterly parallel to the northerly line of the said lot a distance of fifty-five (55) feet to the easterly line of the said lot; thence northerly along the said easterly line forty (40) feet to the point of beginning.

And also all the waters, water rights of every kind and character, water privileges, easements, dams, reservoirs, pipes and pipe lines (including any pipes and mains crossing any property now owned by the parties of the first part, or either of them, together with right of way for the same), flumes, aqueducts, distributing systems, mains, service pipes, meters, wells, pumps, motors, machinery, tools, equipment, plants, real and personal property, franchises, contracts, agreements, contractual rights, leases, books (except accounts), papers and documents, and all materials, supplies and property on hand for use in said business and all other property owned, held, claimed or acquired, or hereafter to be acquired by said parties of the first part, or either of them, or used or employed or maintained or pertaining to or in connection with said business.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

DECISION No. 17484.

IN THE MATTER OF THE APPLICATION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION, FOR AUTHORITY TO CONSTRUCT, OPERATE AND MAINTAIN A SPUR TRACK IN AND ACROSS A COUNTY ROAD NEAR RHEEM, IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

Application No. 12953.

Decided October 16, 1926.

GRADE CROSSING—STEAM RAILROAD—TO CONSTRUCT.—Holding that creation of an additional grade crossing hazard is not warranted by the mere conveniencing of a single industry in the matter of additional spur track facilities, the application is denied.

Platt Kent, for Applicant.
Zeb. Knott, for County of Contra Costa.
W. S. Downing, for Standard Sanitary Manufacturing Company.
H. A. Johnson, for Richmond Chamber of Commerce.
George Rooker, for Richmond Industrial Commission.
Fred B. LaMoine, for Richmond Merchants Association.
R. H. Stratton, for Giant Powder Company.
A. L. Paulson, for Contra Costa Board of Realtors.
J. H. Plate, for City of Richmond.

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BY THE COMMISSION.

OPINION.

This is an application on the part of The Atchison, Topeka and Santa Fe Railway Company for permission to construct a spur track at grade across a county highway near Rheem in the county of Contra Costa. A public hearing was held on August 28, 1926, before Examiner Austin at Richmond, at which time the matter was submitted.

In the vicinity of the proposed crossing, a paved county highway, sometimes known as Kearney street, is constructed parallel and adjacent to the easterly side of the right of way of The Atchison, Topeka and Santa Fe Railway Company's main line. The territory east of the highway is suited for residential and industrial purposes, and at the present time the Standard Sanitary Manufacturing Company has a plant in operation at this location.

The highway serves the town of Giant and a growing industrial and farming district to the north of Richmond. Applicant's Exhibits Nos. 2 and 3 show 12-hour traffic counts on three typical week days, ranging from 218 vehicles to 249 vehicles during the twelve hours. The evidence indicates that there is need at present of a through highway connecting with the state highway on the northeast and the city of Richmond on the southwest, and traversing the area now served by the highway involved in this proceeding. Further, that traffic on the present state highway has nearly tripled in volume since 1920 and that the opening of Carquinez bridge, now in course of construction, will increase such highway traffic to a greater extent, thus adding to the necessity for a thorough by-pass highway paralleling the state highway. There is a possibility of using the existing paved highway as a portion of such a route.

The plant of the Standard Sanitary Manufacturing Company is already served by an existing spur track connecting with the Santa Fe main line and crossing the highway at a point approximately 1000 feet south of the crossing in question, as shown on applicant's Exhibit "A." The manufacturing company proposes to enlarge its present plant, as shown on Exhibit 1, at a cost estimated at $900,000.

The property upon which the plant is located has a width of approximately 450 feet. The present plant is located upon the westerly portion of the property and is served by a spur track laid along the easterly edge of the plant and near the center of the property. The proposed addition to the plant will occupy an additional 180 feet of the property, leaving 150 feet at the easterly side for future expansion. The proposed addition will also extend northerly approximately 300 feet beyond the existing plant, beyond which additional property is also available for future expansion.

The particular design of the new plant contemplates that outbound

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car loading will take place at the northwest corner of the plant, an additional spur track crossing the highway from the Santa Fe main line being provided for this purpose. Witness for applicant stated that this location for loading had been selected because it represented, in his judgment, the most economical point to load as far as internal economy of manufacture was concerned. He stated that in developing this economy, no consideration was given the detrimental effect to the public due to the hazard and delay which would be caused by constructing the additional grade crossing as proposed.

It appears that the plant can be served in either of two ways without necessitating the creation of the additional grade crossing; either by a redesign of the proposed layout utilizing branch spur loading facilities on the easterly side of the property, or by using the proposed design and continuing a branch spur from the existing spur track westerly and northerly to the proposed outbound loading platform. The latter method would require the use of additional land now owned, the purchase of additional land and rearrangement of certain facilities. Applicant stated that they would be required to purchase a larger parcel of land than necessary, due to its ownership, at a cost of about $10,000 to carry out the latter alternative. No estimate was made of the value of the land which would be salvaged. As to the land now owned and which would be used for the spur, evidence shows that same is not to be used in the proposed plant except for driveways, for which purpose it still could be used if the spur were built. No estimate of the cost of rearrangement of facilities necessary was given but it appears that it would be comparatively small.

The first method of serving the industry, namely, by a redesign of the plant, utilizing a branch spur track service on the east side, appears to be now out of the question, as the record shows that construction of the new plant was started on July 22, 1926.

It is estimated that approximately four cars of inbound and two of outbound freight will be handled daily. Under these circumstances, probably only one delivery daily will be required from the railroad, resulting in four movements over the present spur and four over the proposed spur, or a total of eight movements over the highway per delivery. With service from the existing spur by means of a branch spur, as previously mentioned, the number of movements over the highway in some cases may be reduced to as low as two instead of eight per delivery.

Mr. J. W. Walker, superintendent of the Valley Division of the Santa Fe, stated that his company, in general, was opposed to the creation of additional grade crossings, except where such crossings were on spurs serving to connect industries with the line of the rail-

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road. In the latter case, he stated, the hazard to the traveling public was small, due to the lower speed of train operation.

Witnesses appeared on behalf of the Richmond Chamber of Commerce, Richmond Industrial Commission, Richmond Merchants Association, Contra Costa Board of Realtors and the city of Richmond, practically all of whom stated that it was their desire that railroad service be not denied to property located east of the highway at this point. They were generally of the opinion that such service should be given to create the least additional public hazard.

The legislature of the State of California, under section 43 of the Public Utilities Act, have vested with this Commission the power and duty of regulating the construction of railroad grade crossings for the purpose of reducing the public hazard in this regard. The tremendous growth in the use of the highway by the automobile has necessitated the strictest care, on the part of the Commission, in passing upon applications for construction of additional grade crossings at a time when every effort is being made and large sums expended for the elimination of such crossings.

It appears to the Commission that there is a hazard present at the proposed crossing, although it is by no means as serious as a main line crossing. The objectionable feature, however, is not so much the public hazard incident to the construction of the single crossing itself but the general effect that would result therefrom. If the Commission is to grant this application, it could not in fairness reasonably deny future applications that will undoubtedly be filed with similar physical conditions in new and growing industrial districts. Unquestionably a multiplicity of spur tracks over the highway presents a serious obstacle to the convenient use of such a highway by the public.

On the other hand, reasonable provision for the construction of railroad facilities which are essential to industrial development is also a consideration of prime importance, and when these two important public interests conflict, very careful study should be given to their relative weight.

The application now before the Commission, however, does not involve the question of providing industrial property with reasonable access to railroad facilities, for the industry concerned already has such service. It becomes merely a matter of whether grade crossings shall be authorized by this Commission where the only benefit derived is a matter of some economy to a private industry.

It appears that the studies as to economy of manufacture, made by the industry in designing their new plant, entirely overlook the hazard and inconvenience to the traveling public of an additional grade crossing. We are satisfied that this industry could have designed its plant

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n such a manner that it could enjoy all the advantages of economy nd facility of manufacture that its present plan contemplates and yet equire only a single grade crossing to give the industry adequate ndustrial track service. However, it did not do so, but started construction work on its new plant prior to the Commission's action in he matter. In this connection the Commission, in its Decision No. 0994 (22 C. R. C. 302), clearly stated its attitude:

> We draw particular attention to this circumstance for in many applications filed ith us our reports of inspection on the ground reveal the fact that a large amount f money is expended on buildings which are located to fit in with a particular ocation of the track in which there is a grade crossing of a public highway involved, nd this expenditure is used as an argument toward granting the application. It ould be better for the carriers to see that proposed industries fully understand he situation and refuse to do any construction work until the proper application as been filed and granted, and we wish to announce that expenditures so made ill not be considered in connection with applications asking for an order authorizng the construction of crossings at grade.

Further, it appears applicant has access to the railroad at the present ime through an existing spur and that fairly adequate service to the roposed addition may reasonably be given from an extension or ranch from this spur. It is concluded therefore from a consideration f the entire record in this proceeding that the grade crossing herein ought should not be permitted and that this application should be enied.

ORDER.

The Atchison, Topeka and Santa Fe Railway Company, a corporaion, having on June 17, 1926, filed an application with this Commision for permission to construct a spur track across a county road near heem, in the county of Contra Costa, State of California; a public earing having been held, the matter being under submission and eady for decision; therefore

It is hereby ordered, that the above entitled application be and it is ereby denied.

The effective date of this order shall be twenty days from the date ereof.

Dated at San Francisco, California, this sixteenth day of October 926.

DECISION No. 17485.

N THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION APPROVING A CERTAIN AGREEMENT ENTERED INTO BY AND BETWEEN APPLICANT AND ROSEVILLE WATER COMPANY, A CORPORATION, DATED JUNE 16, 1926.

Application No. 13026.

Decided October 16, 1926.

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CONTRACT—WATER UTILITY—TO EXECUTE.—Application granted.

R. W. DuVal, for Pacific Gas and Electric Company.
W. Hemphill, for Roseville Water Company.

LOUTTIT, *Commissioner*.

OPINION.

In this proceeding the Commission is asked to approve an agreement entered into by and between the Pacific Gas and Electric Company, a corporation, and Roseville Water Company, a corporation, providing for the sale and delivery of water to the Roseville Water Company for a term of thirty years from June 16, 1926, at the rate of 16 cents per miner's inch day, with a monthly minimum payment equal to the value of sixty miner's inches per day at 16 cents per miner's inch during such month.

A public hearing was held in this matter in which the testimony shows that this agreement replaces a former contract dated March 14, 1912, between the above mentioned parties, and that the present agreement is being made for the purpose of protecting the bondholders of the Roseville Water Company in that it assures that company an adequate and sufficient water supply during the life of the bonds it proposes to issue.

The old contract provided for a minimum daily delivery of twenty miner's inches at 16 cents per miner's inch per day and a maximum of 100 miner's inches, while the present contract provides for a daily demand of sixty miner's inches at 16 cents, with a maximum of 300 miner's inches, or three times the daily minimum and maximum quantities specified in the original contract. The increased minimum quantity and payment was provided to cover the expenditures being made by the Pacific Gas and Electric Company in enlarging its facilities to make the increased deliveries, which are estimated to cost about $10,300. The Roseville Water Company has taken at least the minimum quantity specified in the agreement at all seasons of the year for a number of years, and owing to the limited capacity of the Pacific Gas and Electric Company's facilities for delivering water it has been necessary for the Roseville Water Company to pump about one-half of its water supply from wells to meet the demand during the summer months. The ability of the Roseville Water Company to obtain its entire water supply by gravity will eliminate the necessity of pumping and materially decrease the operating expenses. However, it is proposed to retain the pumping facilities for standby service.

It appears from the evidence submitted in this proceeding that the agreement is reasonably fair to both parties and the public and therefore it should have the approval of this Commission, with the understanding that the rates therein are at all times subject to the jurisdiction of this Commission.

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The following order is recommended:

ORDER.

Application having been made by the Pacific Gas and Electric Company, a corporation, for the approval by this Commission of an agreement entered into by and between it and the Roseville Water Company, a corporation, a public hearing having been held thereon, the matter having been submitted, and the Commission being fully informed;

It is hereby ordered, that the agreement entered into by and between the Pacific Gas and Electric Company, a corporation, and the Roseville Water Company, a corporation, dated June 16, 1926, as set out particularly in Exhibit "A" attached to the application herein, be and the same is hereby approved and the parties thereto are authorized to consummate said agreement in accordance with the terms thereof.

The effective date of this order shall be twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this sixteenth day of October, 1926.

DECISION No. 17486.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE CERTAIN FRANCHISE RIGHTS GRANTED TO IT BY THE COUNTY OF LOS ANGELES.

Application No. 13185.

Decided October 16, 1926.

CERTIFICATE—GAS UTILITY—FRANCHISE—TO EXERCISE.—Application granted.

Leroy M. Edwards, for Applicant.
H. L. Cleveland, for Southern California Gas Company, interested party.

BY THE COMMISSION.

OPINION.

This is an application by Southern Counties Gas Company of California for an order declaring that public convenience and necessity require the exercise by it of a franchise granted by ordinance of the county of Los Angeles.

Public hearing before Examiner Williams was held in Los Angeles October 5, 1926, at which time testimony was introduced and the matter submitted for decision.

It appears that on December 14, 1925, the county of Los Angeles awarded applicant a forty-year franchise (Ordinance No. 1360, new

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series) to construct, maintain and operate a gas pipe line extending from a point in the so-called Rosecrans-Athens oil field (Los Angeles County), southward connecting with applicant's pipe line in the so-called Dominguez oil field (Los Angeles County), which pipe line extends southward and connects with applicant's gas distribution system in Wilmington and San Pedro. Copy of said franchise has been filed as Exhibit "A," attached to the application.

Applicant alleges that said pipe line was constructed for, is now used, and will be used in the future, solely for the purpose of transporting gas southward from the said Rosecrans-Athens oil field, that it has no desire or intention of selling or distributing gas from said pipe line and it stipulated at the above hearing that its rights to exercise the aforesaid franchise shall be limited so as not to interfere with any of the rights of any other company that may be selling or distributing gas in the territory traversed by said pipe line.

Applicant will file with the Commission a stipulation duly and legally passed by resolution of its board of directors to the effect that applicant, its successors or assigns will never claim before the Railroad Commission, or any court or public body, any value for the aforesaid franchise in excess of the original cost thereof.

ORDER.

Southern Counties Gas Company of California having applied to the Railroad Commission of the State of California for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the county of Los Angeles, Ordinance No. 1360, new series, public hearing having been held, the matter having been submitted and being now ready for decision:

The Railroad Commission of the State of California hereby certifies and declares that public convenience and necessity require and will require the exercise by Southern Counties Gas Company of California of those rights and privileges granted by Ordinance No. 1360, new series, adopted by the board of supervisors of the county of Los Angeles on December 14, 1925, for purposes of transmission of gas only and subject to the following conditions:

1. That on or before December 31, 1926, Southern Counties Gas Company of California shall file with this Commission a stipulation duly executed upon authority of its board of directors to the effect that applicant, its successors or assigns will never claim before the Railroad Commission or any court or public body any value for the aforesaid franchise in excess of the original cost thereof.

The authority herein granted shall be effective from and after the date of this order.

The foregoing opinion and order is hereby approved and ordered

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iled as the opinion and order of the Railroad Commission of the State f California.

Dated at San Francisco, California, this sixteenth day of October, 926.

DECISION No. 17487.

N THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE CERTAIN FRANCHISE RIGHTS GRANTED TO IT BY THE CITY OF LONG BEACH.

Application No. 13186.

Decided October 16, 1926.

ERTIFICATE—GAS UTILITY—FRANCHISE—TO EXERCISE.—Application granted.

eroy M. Edwards, for Applicant.
.. L. Cleveland, for Southern California Gas Company, interested party.

BY THE COMMISSION.

OPINION.

This is an application by Southern Counties Gas Company of California for an order declaring that public convenience and necessity equire the exercise by it of a franchise granted by ordinance of the ity of Long Beach.

Public hearing before Examiner Williams was held in Los Angeles October 5, 1926, at which time testimony was introduced and the natter submitted for decision.

It appears that prior to June 1, 1924, applicant had been supplying as to the inhabitants of the city of Long Beach and that it is now nd has been for many years past supplying gas to the inhabitants of eal Beach, San Pedro and Wilmington. On or about June 1, 1924, sold its gas distribution system in Long Beach to the city of Long Beach, reserving, however, certain pipe lines through which it had been ransporting gas from the so-called Signal Hill oil field, westward to an Pedro and Wilmington, and eastward to Seal Beach. In order hat it might continue to serve its consumers in Wilmington, San Pedro nd in Seal Beach it was agreed between applicant and the city of ong Beach that the city would grant applicant the right to maintain ertain existing pipe lines and to construct and maintain in the future ertain other pipe lines, said pipe lines to be used exclusively for the urpose of transporting gas across the city of Long Beach to the comunities of San Pedro, Wilmington, and Seal Beach. In accordance ith this agreement the city of Long Beach did on May 27, 1924, grant o applicant a thirty-five year franchise being Ordinance No. C-276.

Applicant will file with the Commission a stipulation duly and legally assed by resolution of its board of directors to the effect that appli-

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cant, its successors or assigns, will never claim before the Railroad Commission or any court or public body, any value for the aforementioned franchise in excess of the original cost thereof.

ORDER.

Southern Counties Gas Company of California having applied to the Railroad Commission of the State of California for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the city of Long Beach, Ordinance No. C-276, public hearing having been held, the matter being submitted and being now ready for decision:

The Railroad Commission of the State of California hereby certifies and declares that public convenience and necessity require and will require the exercise by Southern Counties Gas Company of Californina of those rights and privileges granted by Ordinance No. C-276, adopted by the council of the city of Long Beach on May 27, 1924, for purposes of transmission of gas only and subject to the following condition:

That on or before December 31, 1926, Southern Counties Gas Company shall file with this Commission a stipulation duly executed upon authority of its board of directors to the effect that applicant, its successors or assigns, will never claim before the Railroad Commission or any court or public body any value for the aforesaid franchise in excess of the original cost thereof.

The authority herein granted shall be effective from and after the date of this order.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this sixteenth day of October, 1926.

DECISION No. 17488.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN SIERRAS POWER COMPANY, A CORPORATION, FOR AN ORDER OR ORDERS OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, AUTHORIZING AND APPROVING THE REDEMPTION AND PAYMENT OF THE FIRST MORTGAGE BONDS OF SAID COMPANY, AND THE USE OF THE FIRST AND REFUNDING MORTGAGE BONDS NOW HELD AND RESERVED BY THE TRUSTEES UNDER THE PROVISIONS OF SECTION SIX OF THE FIRST AND REFUNDING MORTGAGE OF SAID COMPANY FOR THE PURPOSE OF REFUNDING SAID FIRST MORTGAGE BONDS.

Application No. 13210.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN SIERRAS POWER COMPANY, A CORPORATION, FOR AN OREDR OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE REDEMPTION AND PAYMENT OF THREE HUNDRED THOUSAND DOLLARS AGGREGATE PRINCIPAL

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AMOUNT OF THE FIRST MORTGAGE 6 PER CENT GOLD BONDS OF THE COACHELLA VALLEY ICE AND ELECTRIC COMPANY, THE PAYMENT OF WHICH WAS ASSUMED BY THE SOUTHERN SIERRAS POWER COMPANY, AND FOR AN OREDR AUTHORIZING FIRST AND REFUNDING MORTGAGE BONDS OF THE SOUTHERN SIERRAS POWER COMPANY TO BE CERTIFIED AND ISSUED IN LIEU OF AND IN EXCHANGE FOR SAID COACHELLA VALLEY ICE AND ELECTRIC COMPANY BONDS.

Application No. 13224.

Decided October 16, 1926.

SECURITIES—BONDS—TO ISSUE.—Authority granted to issue and sell at not less than par $2,470,000 of first and refunding mortgage bonds, and to use the proceeds to refund a like amount of first mortgage bonds now outstanding.

Charles F. Potter, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matters the Railroad Commission is asked to authorize The Southern Sierras Power Company to issue its first and refunding mortgage 6 per cent bonds due January 1, 1965, to refund its outstanding $2,470,000 of first mortgage 6 per cent bonds due September 1, 1936, and the outstanding $300,000 of 6 per cent serial bonds issued by Coachella Valley Ice and Electric Compnay, whose properties heretofore have been acquired by applicant.

A public hearing in these proceedings was held before Examiner Fankhauser on October 8, 1926, at which time they were consolidated for the purpose of receiving evidence and decisions.

The Southern Sierras Power Company, as of September 1, 1911, executed a first mortgage to secure the payment of a total authorized issue of $5,000,000 of 6 per cent bonds due September 1, 1936. Prior to the effective date of the Public Utilities Act $2,500,000 of such first mortgage bonds were issued. Thereafter in 1915, pursuant to authority granted by Decision No. 2244, an additional $150,000 were issued, making a total issue of $2,650,000. From 1917 to 1926, $180,000 of such bonds were redeemed through the operation of the sinking fund, leaving $2,470,000 now outstanding. These bonds are callable at a premium of 5 per cent of the face value.

As of January 1, 1915, applicant executed a new mortgage of the open-end type, designated as its first and refunding mortgage to secure the payment of first and refunding mortgage 6 per cent bonds due January 1, 1965. As of December 31, 1925, the following first and refunding mortgage bonds were reported outstanding:

Series "A," dated January 1, 1915	$2,306,000 00
Series "B," dated December 1, 1920	4,963,000 00
Series "C," dated October 1, 1924	1,094,000 00
Total	$8,363,000 00

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In addition to the first mortgage bonds and first and refunding mortgage bonds, there are $300,000 of divisional bonds outstanding which were issued by Coachella Valley Ice and Electric Company under authority granted by the Commission by Decision No. 1135, dated December 13, 1913. The lines of the Coachella Valley Ice and Electric Company extended from Banning, Riverside County, to El Centro, Imperial County, and to Yuma, Arizona, connections being made at Banning with the lines of The Southern Sierras Power Company from which company power was purchased. On April 2, 1918, by Decision No. 5267, the Commission authorized the sale of the electric properties to applicant and authorized applicant, as part consideration, to execute a trust indenture wherein it agreed to assume the payment of the outstanding $300,000 of bonds. These bonds are dated January 1, 1912, bear interest at 6 per cent per annum, mature in annual installments of $15,000 on the first day of January of each of the years 1937 to 1956, inclusive, and are callable at a premium of 5 per cent.

The total bonded indebtedness as of August 31, 1926, is reported as $11,254,000. The total assets and liabilities as of the same date are reported as follows:

Assets.

Plant and equipment	$14,656,493 50
Investments	307 40
Current assets (excluding intercompany accounts)	1,300,796 05
Bond redemption fund	391 42
Intercompany accounts	47,949 48
Special deposits	74,625 00
Prepayments	93,832 38
Unamortized discount and expense	1,094,160 48
Miscellaneous deferred debits	25,049 58
Unamortized stock discount	4,995,350 00
Total assets	$22,288,955 30

Liabilities.

Capital stock	$5,000,000 00
Funded debt	11,254,000 00
Advances from affiliated companies	500,000 00
Current liabilities (excluding intercompany accounts)	452,075 50
Intercompany accounts	2,441,418 14
Deferred credits	136,687 83
Liabilities offsetting special deposits	74,625 00
Depreciation reserve	1,475,171 95
Other reserves	144,420 80
Appropriated surplus	592,513 50
Unappropriated surplus	218,042 58
Total liabilities	$22,288,955 30

The present application does not involve an increase in the outstanding bonded indebtedness, it being the plan of applicant to issue first and refunding mortgage bonds of the same aggregate par value as the first mortgage bonds and of eighty-five per cent of the par value

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of the divisional bonds to be retired. Under the first and refunding mortgage $2,650,000 of such bonds were reserved to retire $2,650,000 of first mortgage bonds, provided that such refunding be done on a basis of par for par. By Decision No. 2592, dated July 13, 1915, as amended, the company was authorized to issue its first and refunding bonds to refund the then outstanding $2,650,000 of first mortgage bonds. The authority so granted, however, expired on June 30, 1917, and no refunding bonds were issued under it.

Subsequent to June 30, 1917, applicant reports that it did issue $154,000 of first and refunding mortgage bonds to refund in part the $180,000 of first mortgage bonds retired since 1917. We question the validity of the $154,000 of bonds issued without an order from this Commission then in effect and in our opinion it will be necessary for applicant to cancel the bonds thus illegally issued and to issue new ones in lieu thereof. The order herein will so provide. It will also provide for the issue of $26,000 of first and refunding bonds to finance the retirement of the $26,000 of first mortgage bonds heretofore redeemed, during the period 1917 to 1926, against which no first and refunding bonds have been issued.

Of the $2,470,000 of first mortgage bonds now remaining outstanding, $686,000 thereof are said to be held by The Nevada-California Electric Corporation, which also owns all of applicant's outstanding stock. These bonds will be surrendered to applicant at par. The remaining $1,784,000 will be called for redemption on January 1, 1927. At the premium of 5 per cent of the face value of the bonds it will be necessary to pay $1,873,200 to redeem the $1,784,000 of bonds. It appears that The Nevada-California Electric Corporation has agreed to take the first and refunding bonds at par and in addition to advance applicant the $89,200 needed to pay the premium on the called bonds.

No first and refunding bonds are reserved, under the trust indenture, to retire the bonds issue by Coachella Valley Ice and Electric Company. It is the opinion of counsel that applicant, under its first and refunding mortgage, is entitled to issue bonds equal in face amount only up to 85 per cent of the face value of the bonds of Coachella Valley Ice and Electric Company, or in the aggregate face amount of $255,000. It appears, however, that these bonds also are held by The Nevada-California Electric Corporation and that that company has agreed to surrender them at 85 per cent of their face value so that no additional indebtedness will be created through the refunding of these underlying bonds.

It appears that there is a debit balance of approximately $150,000 on applicant's books of account representing unamortized discount and expenses on the first mortgage bonds. Instead of charging this entire amount, together with the premium of $89,200 to be paid, to profit and

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loss at one time upon redemption of the first mortgage bonds, applicant asks that it be permitted to amortize these balances on or before September 1, 1936, the date on which the first mortgage bonds would mature, if not called.

We believe that under the circumstances of this case the company should not be required to write off forthwith the unamortized discount and premium, on its first mortgage bonds. We feel that the discount and premium should be amortized on or before January 1, 1965, the maturity date of the first and refunding bonds. Of course we have no objection if the premium and discount are amortized at an earlier date.

ORDER.

The Southern Sierras Power Company having applied to the Railroad Commission for permission to issue bonds, a public hearing having been held, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, as follows:

1. The Southern Sierras Power Company is authorized to issue and sell at not less than par not exceeding $2,470,000 of its first and refunding mortgage bonds and to use the proceeds to refund $2,470,000 of first mortgage bonds now outstanding, or to exchange such bonds, or a portion thereof, for outstanding first mortgage bonds on a basis of par for par.

2. The Southern Sierras Power Company is authorized to issue not exceeding $154,000 of first and refunding mortgage bonds in lieu of a like amount of first and refunding mortgage bonds heretofore issued without an order from the Commission in refunding first mortgage bonds during the years 1917 to 1926.

3. The Southern Sierras Power Company is hereby authorized to issue and sell, at not less than par, $26,000 of first and refunding mortgage bonds to reimburse itself on account of moneys expended in retiring a like amount of first mortgage bonds during the years 1917 to 1926.

4. The Southern Sierras Power Company is hereby authorized to issue and sell at not less than par, not exceeding $255,000 of first and refunding mortgage bonds to refund the outstanding $300,000 of Coachella Valley Ice and Electric Company bonds.

5. The Southern Sierras Power Company is authorized to amortize the balance of the unamortized discount and expense on the first mortgage bonds and the premium expended in redeeming such first mortgage bonds, on or before January 1, 1956.

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The authority herein granted is subject to the following conditions:

a. Applicant shall keep such record of the issue, sale and delivery of he bonds herein authorized and of the disposition of the proceeds as vill enable it to file, on or before the twenty-fifth day of each month, a 'erified report, as required by the Railroad Commission's General)rder No. 24, which order, in so far as applicable, is made a part of his order.

b. Under the authority herein granted no bonds may be issued, sold)r delivered after June 30, 1927.

Dated at San Francisco, California, this sixteenth day of October, .926.

DECISION No. 17497.

N THE MATTER OF THE APPLICATION OF SAN DIMAS-CHARTER OAK DOMESTIC WATER COMPANY FOR PERMISSION TO RENEW CERTAIN OUTSTANDING NOTES FOR TEN THOUSAND DOLLARS AND FOR PERMISSION TO ISSUE FURTHER NOTES IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS, AND FOR PERMISSION TO RENEW ALL OF SAID NOTES FOR A PERIOD OF THREE YEARS.

Application No. 13209.

Decided October 18, 1926.

ECURITIES—NOTES—TO ISSUE.—Application granted.

. H. Taylor, for Applicant.

BY THE COMMISSION.

OPINION AND ORDER.

San Dimas-Charter Oak Domestic Water Company asks permission o issue its promissory notes in the principal amount of $25,000 payable n or before three years after date with interest at not exceeding ' per cent per annum, for the purpose of refunding outstanding ndebtedness.

The application shows that during August, 1925, the San Dimas mprovement District commenced the work of regrading the streets, f establishing sidewalks and curbs and of street surfacing which aused applicant to lower and, in most instances, renew its mains and ervice lines. The cost of this work to applicant is reported at $28,720.89.

It appears that applicant did not have sufficient funds available to neet the entire expense and that it had to borrow on short term loans ertain amounts, $10,000 being obtained from the First National Bank f San Dimas and $15,000 from the San Dimas Water Company. Applicant reports that it has not sufficient funds on hand to pay this ndebtedness and accordingly it has made this application.

The Commission has considered applicant's request and is of the pinion that this is a matter in which a public hearing is not necessary

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and that the issue of the notes herein authorized is reasonably required by applicant for the purpose specified herein, and that the expenditures are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that San Dimas-Charter Oak Domestic Water Company be and it hereby is authorized to issue its unsecured promissory notes in the aggregate principal amount of $25,000 payable on or before three years after date with interest at not exceeding 7 per cent per annum for the purpose of refunding outstanding indebtedness in favor of First National Bank of San Dimas and San Dimas Water Company, to which reference is made herein.

It is hereby further ordered, that San Dimas-Charter Oak Domestic Water Company be and it hereby is authorized to issue the notes herein authorized for a period of less than three years and to renew them from time to time provided that the combined terms of the notes originally issued under the authority herein granted and of those issued in renewal thereof do not exceed a period of three years from the date of the notes originally issued.

The authority herein granted is subject to the following conditions:

1. Applicant shall keep such record of the issue and delivery of the notes herein authorized as will enable it to file within thirty days after such issue a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted shall become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is twenty-five dollars.

Dated at San Francisco, California, this eighteenth day of October, 1926.

DECISION No. 17498.

IN THE MATTER OF THE APPLICATION OF THE HANFORD WATER COMPANY, A CORPORATION, FOR AN ORDER PERMITTING AND AUTHORIZING IT TO BORROW MONEY, TO ISSUE AND DELIVER ITS PROMISSORY NOTES THEREFOR, TO USE THE PROCEEDS OF SAID LOAN TO PAY A MATURING NOTE AND TO RETIRE CERTAIN BONDS OF THE CORPORATION GIVEN AS SECURITY FOR SAID LOAN.

Application No. 13240.

Decided October 18, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Le Roy H. Guntner, for Applicant.

BY THE COMMISSION.

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OPINION AND ORDER.

The Hanford Water Company asks permission to issue its unsecured note for $4,000 payable six months after date with interest at not exceeding 7 per cent per annum, for the purpose of refunding, in part, an outstanding note, and also to renew the $4,000 note from time to time, for a combined period of two years.

Under authority granted by the Commission by Decision No. 9641, dated October 26, 1921, The Hanford Water Company issued two 6½ per cent notes to P. McRae in the principal amount of $10,000 each, one maturing on November 1, 1926, and the other on November 1, 1931, and deposited $20,000 of its 6 per cent bonds due March 1, 1930, as collateral security therefor. The proceeds obtained through the issue of the notes were used in replacing water mains with new and larger pipes and in drilling a new well and in paying outstanding indebtedness. The notes are still outstanding.

One of the notes will mature on November first of this year. Applicant reports that it has $6,000 on hand to meet the indebtedness in part and it desires to issue a note to The First National Bank of Hanford to obtain the remainder. It recites in its petition that the bank is willing to accept its unsecured note payable six months after date with interest at the rate of 7 per cent per annum, and thereafter to renew the note for further periods of six months each.

The Commission has given consideration to this application and is of the opinion that this is a matter in which a public hearing is not necessary and that the issue of the note is reasonably required for the purpose specified herein and that the expenditure for such purpose is not in whole or in part reasonably chargeable to operating expense or to income; therefore,

It is hereby ordered, that The Hanford Water Company be and it hereby is authorized to issue its promissory note in the principal amount of not exceeding $4,000, payable six months after date of issue with interest at the rate of not exceeding 7 per cent per annum for the purpose of paying in part the note in favor of P. McRae maturing November 1, 1926.

It is hereby further ordered, that The Hanford Water Company be and it hereby is authorized to renew or refund the $4,000 note herein authorized to be issued, from time to time, provided that the combined terms of the note originally issued and of those given in renewal do not exceed a period of two years after date of the original note issued hereunder.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof, and further, that applicant shall keep such record of the issue and delivery of the note herein author-

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ized and of the disposition of the proceeds as will enable it to file, within thirty days after such issue and delivery, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this eighteenth day of October, 1926.

DECISION No. 17500.

UNION OIL COMPANY OF CALIFORNIA

vs.

SOUTHERN PACIFIC COMPANY AND NORTHWESTERN PACIFIC RAILROAD COMPANY.

Case No. 2234.

Decided October 18, 1926.

RATES—STEAM RAILROAD—FUEL OIL—REPARATION—FEDERAL GUARANTY PERIOD. The United States Supreme Court having held that the state commissions have no jurisdiction to award reparations on shipments moved during the federal guaranty period of the operation of railroads, the complaint is dismissed.

BY THE COMMISSION.

ORDER OF DISMISSAL.

Complainant is a corporation with its principal place of business at Los Angeles, California. By complaint seasonably filed it is alleged that the rate assessed and collected on ten carloads of fuel oil moved from Oleum to San Rafael, California, during the period from March 1 to August 25, 1920, was unreasonable to the extent it exceeded a rate of 11 cents per 100 pounds. During the period of movement the defendant carriers were guaranteed certain income by the United States under section 209 of Transportation Act, 1920. The rate charged was in effect February 29, 1920, and under the provisions of section 208 (*a*) of Transportation Act such rate may not be reduced without the approval of the Interstate Commerce Commission. United States Supreme Court, April 26, 1926, *New York Central Railroad et al.* vs. *New York and Penn. Co.,* held that the state commissions have no authority to award reparation on any shipment moved during the guaranty period, which became operative March 1, 1920, and expired August 31, 1920. (Adv. Op. No. 13, 1925–1926, 70 Law Ed. page 506.)

Good cause appearing,

It is hereby ordered, that the above entitled proceeding be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this eighteenth day of October, 1926.

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DECISION No. 17501.

UNION OIL COMPANY OF CALIFORNIA

vs.

SOUTHERN PACIFIC COMPANY AND TIDEWATER SOUTHERN RAILWAY COMPANY.

Case No. 2242.

Decided October 18, 1926.

ATES—STEAM RAILROAD—GASOLINE—REPARATION—FEDERAL GUARANTY PERIOD. The United States Supreme Court having held that the state commissions have no jurisdiction to award reparations on shipments moved during the federal guaranty period of the operation of railroads, the complaint is dismissed.

BY THE COMMISSION.

ORDER OF DISMISSAL.

Complainant is a corporation with its principal place of business in Los Angeles, California. By complaint seasonably filed it is alleged that the rate assessed and collected by defendants for transporting three carloads of gasoline from Ora and Coalinga to Aurora, California, during April, 1920, was unreasonable to the extent it exceeded a rate of 43½ cents per 100 pounds.

During the period of movement the defendant carriers were guaranteed certain income by the United States under section 209 of Transportation Act, 1920. The rate charged was in effect February 1, 1920, and under the provisions of section 208 (*a*) of Transportation Act such rate may not be reduced without the approval of the Interstate Commerce Commission. In *New York Central Railroad et al.* vs. *New York and Penn. Co.*, the United States Supreme Court, April 26, 1926, held that the state commissions have no authority to award reparation on any shipment moved during the guaranty period, which became operative March 1, 1920, and expired August 31, 1920. (Adv. Op. No. 13, 1925–1926, 70 Law Ed. page 506.)

Good cause appearing,

It is hereby ordered, that the above entitled proceeding be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this eighteenth day of October, 1926.

DECISION No. 17505.

IN THE MATTER OF THE APPLICATION OF THE PEOPLE OF THE STATE OF CALIFORNIA ON RELATION OF THE CALIFORNIA HIGHWAY COMMISSION, FOR AN ORDER AUTHORIZING THE CONSTRUCTION OF A STATE HIGHWAY CROSSING UNDER THE TRACKS OF THE SOUTHERN PACIFIC RAILROAD, NEAR BEN ALI, SACRAMENTO COUNTY, CALIFORNIA.

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Application No. 12722.
Decided October 21, 1926.

GRADE CROSSING—STEAM RAILROAD—SEPARATION OF GRADES—COST APPORTIONED. California Highway Commission authorized to construct a state highway under the tracks of Southern Pacific Company near Ben Ali, Sacramento County, by means of a subway, having a barrel of sufficient width to carry three additional tracks. Cost of separation apportioned 41½ per cent to applicant, and 58½ per cent to Southern Pacific Company. In case the railroad company elects to have the barrel of the subway wide enough only to carry present tracks the proportion of cost to be borne by each shall be: Southern Pacific Company 45 per cent; Highway Commission 55 per cent.

T. E. Stanton, for Applicant.
F. W. Mielke, for Southern Pacific Company.

WHITSELL, *Commissioner*.

OPINION.

In the above entitled application the California Highway Commission asks for authority to construct a state highway under the tracks of Southern Pacific Company near Ben Ali in Sacramento County, in order to eliminate an existing grade crossing of the state highway and said railroad at that point. Applicant further asks that the Commission make its order apportioning the cost of such grade separation between the parties.

A public hearing was held on this matter at Sacramento on June 15, 1926. At the hearing both parties agreed that public convenience and necessity justify the elimination of the existing grade crossing of the state highway at the location under consideration in this proceeding. The parties, however, did not agree upon the precise plan by which such grade separation should be effected nor have they reached any agreement as to the division of cost thereof.

The plan of grade separation proposed by applicant provides for the construction of a subway underneath the two existing tracks of the Southern Pacific's main line leading from Sacramento to Roseville. This proposed subway provided for a clear roadway width of 30 feet with one 5-foot sidewalk on the northerly side of the roadway. The grades of approach proposed are 4 per cent.

The existing grade crossing, as well as the proposed subway, has an angle of approximately 40 degrees with the railroad. The highway immediately east of the existing railroad turns northerly through a short radius curve and parallels the right of way of the railroad, the center line of the highway being approximately 80 feet from the more easterly track of the Southern Pacific Company. Applicant proposes to construct the subway along the route of the existing highway, except that on the easterly side it is proposed to construct the approach with a 500-foot radius curve, a feature necessary to provide a reasonable sight distance to highway traffic, but which will require the acquisition of additional right of way.

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The existing pavement of the highway in this location is only 15 feet in width, on each side of which are shoulders, making a total usable roadway width of 32 feet. The width of the right of way on both sides of the railroad is 60 feet and no evidence was introduced to indicate that the highway had a valid easement for any other width across the railroad's right of way itself.

Southern Pacific Company objects to the plan proposed in two respects:

First. That it provides for a greater width of roadway than present traffic requirements justify; and

Second. That it does not provide for a length of barrel adequate to permit the construction of certain additional trackage across the highway which the railroad has in contemplation to take care of the growing needs of its traffic, particularly freight.

In discussing these objections, representative of the railroad indicated that the Southern Pacific would have no objection to the width of roadway proposed, providing the railroad was not called upon to share in any portion of the expense of the subway that might be incurred in excess of what would be necessary to take care of the existing traffic. The railroad expressed itself as being willing to assume 50 per cent of the cost of a subway having a roadway width of only 23 feet.

Representative of the applicant indicated that the State Highway Commission would have no objection to modifying the plan by increasing the length of the barrel sufficient to take care of the proposed additional trackage, providing the extra cost of such additional length of subway should be borne by the railroad.

From this it appears that the parties are in substantial agreement as to the method of eliminating this grade crossing, except in so far as minor modifications of the plan may affect a division of cost. It also appears that both parties are in substantial agreement as to the principle upon which this cost should be divided; that is, they each contend that the cost of constructing a subway adequate to take care of the present traffic on both the highway and the railroad should be divided equally between the parties but that any additional cost incurred solely for the benefit of one of the parties, such as the provision for future increases in traffic, should be borne solely by that party.

The Southern Pacific introduced considerable testimony purporting to show that the capacity of a 23-foot clear roadway was in excess of the present traffic movement on the state highway at this location which, it appears from the testimony, amounted, on a normal Sunday in July, 1925, to 5420 vehicles in a 16-hour period. The evidence also indicates that this traffic increased at a rate in excess of 30 per cent a year, which would indicate that present peak day traffic on the highway probably now exceeds 7000 vehicles a day. The applicant also con-

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tends that the purpose of constructing a 30-foot roadway is to provide a means of permitting high speed traffic to pass around low speed traffic with reasonable facility but admits that the volume of traffic does not as yet justify the providing of four lanes of traffic at this location. The testimony indicates that opportunity is now provided for such passing of fast traffic around slow moving traffic on the highway in this vicinity and it was further pointed out that prior to the removal of the trestle on this highway just south of North Sacramento, the two-lane traffic way thereon provided was entirely inadequate and resulted in unreasonable congestion. The evidence further indicates that the additional width of five feet to accommodate a sidewalk is necessary not only to provide a safe passageway for pedestrians but also to provide adequate visibility through the subway, both features being important for the safety of the users of the highway.

The bridge engineer of the State Highway Commission, while contending that a roadway permitting only two lanes of traffic was at this time inadequate, stated that a roadway permitting three lanes of traffic would allow for a considerable further increase in traffic before becoming congested. He stated that should there be any very great increase in the volume of traffic in the future, it would be necessary to provide for that traffic by the construction of another subway barrel. The objection of the railroad to the proposed width of this subway appears therefore to be unsound and I am convinced that the width of roadway of 30 feet, proposed by the applicant, is reasonable and necessary to adequately take care of the existing volume of highway traffic at this location, and that any lesser width would not provide for the same traffic capacity as now exists upon this highway on either side of the crossing.

The second objection, relating to the length of the barrel, to provide additional trackage, will now be discussed.

Southern Pacific Company introduced a plan (S. P. Ex. No. 1) showing a proposed yard development at Ben Ali, which provided for the construction of three additional tracks across the highway. This yard development, it appears, is becoming necessary to take care of the increasing freight business handled into and through Sacramento. It does not appear that there is any proposal at this time to increase the number of main tracks for the actual movement of traffic between this proposed yard and Sacramento. The yard development, as proposed, will be a very substantial augmentation to the railroad's terminal facilities serving Sacramento, the cost of this improvement being estimated at about $800,000. The additional cost of the subway to enable the railroad to build this yard as proposed would, it is estimated, amount to $30,000. The proposed yard, as shown on Southern Pacific Company's Exhibit No. 1, provides for a total of 17 additional yard

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acks, only two of which are proposed for immediate construction. he remainder of the trackage, it appears, will be constructed from me to time as the growth of business justifies.

The record does not indicate that the Southern Pacific's use of this ossing has been devoted to other than main line operations and there no evidence that additional main line trackage is either necessary or oposed at this time between Sacramento and Roseville. The addi- onal length of subway desired by the Southern Pacific, therefore, pears to be a provision for a new facility in order to take care of a ecial class of its traffic in a different and more convenient manner an is possible under present conditions, as well as to provide for ture growth of traffic. Under these circumstances, it appears that e cost of the additional length of barrel desired by the Southern acific falls in the very class of expense which the company itself ntends is not a proper cost to divide between the parties, being lely for the benefit of one of the parties; namely, Southern Pacific ompany. However, if the Southern Pacific elects to have provision ade for this additional facility and is willing to assume the additional st thereof, there certainly can be no valid reason why the plans ould not be modified in that respect.

Applicant presented an estimate of cost of the structure proposed pplicant's Exhibit No. 1), amounting to $101,442, exclusive of pro- ding pavement widths on the nondepressed portion of the new proaches of a width greater than the existing 15-foot pavement. ie actual work proposed provides for a 20-foot pavement on all the proaches, the inclusion of which will bring the total estimate to 04,577. Applicant's estimate was not contested as to its accuracy by outhern Pacific Company, except as to a few minor items. These sputed items will be discussed.

Applicant estimates that the cost of pavement, sidewalks, and curbs ithin the limits of the depressed portion of the subway and approaches $11,775 and the cost of a 30-foot pavement on the 600 feet nondepressed new approaches at $5,700. These two items, plus e 10 per cent allowance for engineering and contingencies, amount $19,220. Applicant concedes that the railroad should not be assessed ith the cost of providing a wider pavement than now exists on the ndepressed portion of the new approaches. This same principle ould appear to apply with equal propriety to the cost of a widened vement through the entire structure. Taking the cost of the 30-foot vement at the unit price estimated in applicant's Exhibit No. 1 9.50 per lineal foot) gives a paving cost of $17,932, which it appears ould be assessed 75 per cent to the applicant and 25 per cent to the ilroad.

Another item, designated as "Overhaul—5000 station yards," in

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amount, $10,000, Southern Pacific claims can be eliminated, for the reason that it would provide free dumping space for this excavation on its right of way. In view of this, it appears proper to reduce the estimate by this item, plus the 10 per cent allowance for engineering and contingencies, a total deduction of $11,000.

Southern Pacific also questions the propriety of including an item of $8,000 for right of way, for the reason that this is for the purpose of improving the highway alignment. It appears that the change of alignment proposed is, in fact, the minimum improvement necessary, in order to provide a safe undergrade crossing and is a proper item to include in the cost of this grade separation.

For purposes of division of cost, the estimate presented by the applicant will be increased by $3,135 to provide all of the pavement proposed, and reduced by the $11,000 overhaul item above mentioned, to reach the amount which is to be basically divided between the two parties. To this reduced estimate should be added $30,000, the amount which it is estimated will be expended for the exclusive benefit of the railroad for providing three additional tracks.

The net effect of these changes will be as follows:

Item No.		*Estimated amounts*	*Per cent of totals*
1. Estimated cost (applicant's Exhibit No. 1)		$101,442 00	
2. Plus 15 feet width of pavement on 600 feet of non-depressed area—$2,850 plus 10 per cent for engineering and contingiencies		3,135 00	
3. Total cost of project		$104,577 00	
4. Less overhaul to be eliminated—$10,000 plus 10 per cent for engineering and contingencies		11,000 00	
5. Net cost of subway		$93,577 00	
6. Cost of 30-foot pavement, 1716 lineal feet at $9.50 per foot plus 10 per cent		17,932 00	
7. Cost of part of project to be borne equally by applicant and railroad		$75,645 00	
8. Applicant's portion of Item 7	$37,823 00		
9. Applicant's portion of Item 6	13,449 00		
10. Total cost to applicant		$51,272 00	41.5
11. Southern Pacific Company's portion of Item 7	$37,822 00		
12. Southern Pacific Company's portion of Item 6	4,483 00		
13. Southern Pacific Company's portion (100%) of additional cost of barrel for three additional tracks	30,000 00		
14. Total for Southern Pacific Company		72,305 00	58.5
15. Total cost of project		$123,577 00	

These estimates can only be considered approximate but we believe they are sufficiently accurate to justify the Commission in apportioning the cost of this total project on the basis of 41.5 per cent to the applicant and 58.5 per cent to the Southern Pacific Company.

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The following form of order is recommended:

ORDER.

The people of the State of California, on relation of the California Highway Commission, having made application to this Commission for an order authorizing the construction of a state highway under the tracks of Southern Pacific Company near Ben Ali, in the county of Sacramento, State of California, and for an order apportioning the cost thereof, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact that public convenience and necessity require the construction of separate grades at the point above indicated; therefore

It is hereby ordered, that the people of the State of California, on relation of the California Highway Commission, and Southern Pacific Company be and they are hereby authorized and directed to construct an undergrade crossing under the tracks of Southern Pacific Company in the vicinity of Ben Ali, county of Sacramento, substantially in accordance with plan attached to the application, said crossing to be constructed at a location designated as Engineer Station No. 169+07.3 on route identified as Road III-Sac-3-B, as shown by the map attached to the application, said undergrade crossing to be constructed subject to the following conditions, namely:

(1) Said undergrade crossing shall be constructed, except as hereinafter provided, substantially in accordance with the plan attached to the application and specifically in accordance with detailed plans which shall hereafter be submitted to the Commission for its approval after having been approved by applicant and by Southern Pacific Company.

(2) Said undergrade crossing shall be constructed with clearances conforming to the provisions of Commission's General Order No. 26a.

(3) Southern Pacific Company shall have the privilege of requiring the barrel of said subway to be constructed of sufficient length to provide for the construction of three additional tracks thereover.

(4) The cost of constructing said undergrade crossing shall be borne 41½ per cent by applicant and 58½ per cent by Southern Pacific Company; provided, however, that should Southern Pacific Company elect not to have the barrel of said subway constructed of a greater length than necessary for the carrying of existing tracks at said crossing, the cost shall, in that event, be borne 55 per cent by applicant and 45 per cent by Southern Pacific Company.

(5) The cost of maintenance of said undergrade crossing shall be borne in accordance with the terms of an agreement hereinafter to be entered into between the interested parties, or, in the event of failure

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to reach such agreement, in accordance with the terms of a supplemental order by this Commission in this proceeding.

(6) Applicant shall, within 120 days of the date hereof, file with this Commission a certified copy of the agreement between the interested parties relative to the division of cost of construction and maintenance of said undergrade crossing. Said agreement shall be subject to the approval of this Commission.

(7) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said undergrade crossing.

(8) If said undergrade crossing shall not have been installed within one year from the date of this order, the authorization herein granted, shall then lapse and become void, unless further time is granted by subsequent order.

(9) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said undergrade crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

For other purposes, the effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-first day of October, 1926.

DECISION No. 17506.

IN THE MATTER OF THE APPLICATION OF JOHN BYRNE, AGENT FOR AND ON BEHALF OF LOS ANGELES STEAMSHIP COMPANY, McCORMICK STEAMSHIP COMPANY, NELSON STEAMSHIP COMPANY, PACIFIC STEAMSHIP COMPANY, AND WHITE FLYER LINE, FOR PERMISSION TO ESTABLISH CERTAIN RATES, RULES AND REGULATIONS GOVERNING THE TRANSPORTATION OF FREIGHT.

Application No. 13086.

Decided October 21, 1926.

RATES—CARRIER BY WATER—COASTWISE FREIGHT TARIFF.—Holding that the proposed tariff containing in one tariff all of the local, joint and proportional rates, rules and regulations for the transportation of freight between San Francisco, Oakland, Berkeley and Alameda, on the one hand, and on the other San Pedro, Wilmington, Long Beach, Los Angeles and San Diego, and between Wilmington and San Diego is a step in the right direction, the application is granted.

Hugh Gordon, for Applicant.
R. S. Sawyer, for Associated Jobbers of Los Angeles.
H. R. Brashear, for Los Angeles Chamber of Commerce.

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A Bland, for Long Beach Chamber of Commerce, Long Beach Harbor Commission and Smart and Final of Wilmington.
M. Chandler and *W. S. Downing*, for Certain-teed Products Corporation.
Iborn and Rochl, by *H. H. Sanborn*, for Pacific Portland Cement Company.
Irge A. Culbert, for Pacific States Electric Company.
B. Mitchell, for Henry Cowell Lime and Cement Company.
S. Connolly, for Albers Bros. Milling Company.
F. Bovee, for Old Mission Portland Cement Company.
son Abel, for California Farm Bureau Federation.
W. Baugh, for Common Carrier Truck Lines between Los Angeles and the harbor.
n. C. Higgins, for Santa Cruz Portland Cement Company.
G. McCarthy, for Sperry Flour Company.
D. Rapp, for F. W. Woolworth Company.
B. Hughes, for Montgomery, Ward and Company.

THE COMMISSION.

OPINION.

This is an application filed by John Byrne, as agent for and on behalf Los Angeles Steamship Company, McCormick Steamship Company, lson Steamship Company, Pacific Steamship Company and White yer Line, seeking authority to publish and maintain a tariff denomited as Pacific Coastwise Freight Tariff, containing in the one tariff of the local, joint and proportional rates, rules and regulations for e transportation of freight by those applicants and their connections railroad, steamship and auto truck lines between San Francisco, kland, Berkeley and Alameda on the one hand and on the other San dro, Wilmington, Long Beach, Los Angeles and San Diego and also tween Wilmington and San Diego.

The proposed rates, rules and regulations will result in both increases d reductions in the present freight rates.

Public hearings were held before Examiner Geary at Los Angeles ptember 2, 1926, and at San Francisco September 15 and 16, 1926, d the application having been duly submitted is now ready for our inion and order.

For a number of years applicants have been rendering a common rrier service on the high seas between San Francisco Bay points and e ports of Los Angeles and San Diego and points contiguous thereto der tariffs lawfully on file with the Commission. Prior to November 1925, the rates in effect were practically on a uniform basis, having en made with relation to the contemporaneously effective rates of e competing rail carriers, using the latter rates as a measure, less a fferential to offset certain fixed disadvantages confronting the shipper a a water carrier. This method of establishing and maintaining tes had been adhered to for a number of years prior to November 1925, and apparently was satisfactory to the shippers and applicants.

In January, 1925, the Los Angeles Dispatch Line commenced operaons as a common carrier, rendering service between the points here volved, and this service was inaugurated under rates materially wer than those maintained by applicants. For approximately 11

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months there was no special effort by applicants to meet the competition of the new line because of the claimed abnormally low volume of the rates. Due, however, to a continued loss of tonnage suffered, the White Flyer Line and McCormick Steamship Company on November 2, 1925, initiated rates comparable with those in effect via the Los Angeles Dispatch Line and the action of these two lines was successively followed, to some extent, by the Pacific Steamship Company on November 9, 1925; by the Nelson Steamship Company on December 6, 1925, and by the Los Angeles Steamship Company on December 8, 1925. It is claimed that at the time the reductions were made the new rates when applied to the normal amount of tonnage handled would not produce sufficient revenue to meet operating expenses and fixed charges, but it was the hope of applicants that the lower rates would stimulate traffic to an extent offsetting in a measure the loss of revenue due to the changes in rates.

The expected increase in tonnage did not materialize; in fact, the Los Angeles Steamship Company and Pacific Steamship Company suffered an actual loss immediately following the establishment of the reduced rates. During the six months immediately prior to the inauguration of the lower rates the Los Angeles Steamship Company handled 17,585 tons of freight and the Pacific Steamship Company 18,243 tons of freight, while for the six months' period immediately subsequent to the inauguration of the reductions there were but 13,754 and 16,166 tons, respectively, a loss of 3831 tons by the Los Angeles Steamship Company and 2077 tons by the Pacific Steamship Company. The lower rates produced a slight increase in tonnage via the McCormick Steamship Company, Nelson Steamship Company and White Flyer Line, but the combined tonnage handled by the five lines for the first six months after the reduced rates became effective was 2849 tons less than for the same period immediately preceding the reductions. Applicants could give no satisfactory explanation for this loss of tonnage other than a reference to the fact of a slight business depression.

As a result of the unexpected decrease in tonnage these applicants suffered severe operating losses. From exhibits presented at the hearing it was shown that for the first five months of 1926 the loss of the Los Angeles Steamship Company was $14,707.50; McCormick Steamship Company $17,066.77; Pacific Steamship Company $169,728.28, and White Flyer Line $9,516.11.

The Los Angeles Dispatch, the newly established service, during 1925 showed an operating loss of $65,403.69, and in the early part of 1926, due to continued losses, discontinued operations as a common carrier.

The class rates these applicants now propose are practically those in

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effect prior to the general reductions in November and December, 1925. The Los Angeles Steamship Company and Pacific Steamship Company will restore the old rates without change and only slight changes will be made in the rates of the White Flyer Line, McCormick Steamship Company and Nelson Steamship Company.

The proposed commodity rates result in both increases and reductions and were arrived at following conferences with the shippers' representatives in an effort to so equably adjust the situation as not to place an undue burden on either the shippers or the carriers.

Protests were made with respect to increasing the rates on cement between San Francisco and the Los Angeles and San Diego harbor points. The testimony and exhibits showed that for some time past practically no cement tonnage moved via these applicants' lines. Subsequent to the hearing the petition was further amended eliminating any change in the existing cement rates and the protests were withdrawn.

A shipper of roofing and building materials protested the rate of 23 cents to Los Angeles and rates of 24 and 25 cents to San Diego. The present rate to Los Angeles is 23 cents via the Los Angeles, the Pacific, the White Flyer and the McCormick lines and is only increased from 22 to 23 cents when via the Nelson Steamship Company. To San Diego the present rate is 23 cents via all lines and is increased to 25 cents except via the McCormick, where the increase is from 23 to 24 cents. The contemporaneous rail rate between San Francisco and Los Angeles and between San Francisco and San Diego is 31½ cents. The total movement of roofing and building materials via the five lines amounted to an average of 325 tons per month for the six months November 1, 1925, to April 30, 1926. It has not been shown that the proposed rates on this commodity are either excessive or unreasonable.

The proposed adjustments will disturb present differentials existing between the San Pedro-Wilmington-Long Beach rates on the one hand and Los Angeles on the other, creating both increases and reductions and in some cases eliminating entirely the existing differentials. There is no testimony in this record *per se* to determine the reasonableness of the rates or the proper differentials at the harbor points. However, should the differentials in the rates after a test prove unsatisfactory to the shippers the matter may be brought to our attention in a subsequent proceeding for further consideration.

Approximately twenty witnesses, representing some of the largest industrial concerns located at Los Angeles and San Francisco who utilize applicants' service, indorsed the proposed rates, rules and regulations and were particularly in favor of their publication in a consolidated freight tariff.

The plan to eliminate publication of five separate tariffs and to unify

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and consolidate the proposed rates, rules and regulations in a master tariff is a decided step in the right direction. The publication of a single tariff not only effects an economy to the carrier in publication expense, but also will be an advantage to the shipping public in affording a means of quickly and accurately locating the rates of the competing lines with a minimum amount of effort.

After careful consideration of all the facts of record we are of the opinion and find that the applicants should be authorized to publish and file the proposed rates, rules and regulations in a consolidated tariff, as shown in amended Exhibit A of the application.

ORDER.

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order and which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the applicants, Los Angeles Steamship Company, McCormick Steamship Company, Nelson Steamship Company, Pacific Steamship Company and White Flyer Line be and they are hereby authorized to publish and file in a consolidated tariff the rates, rules and regulations shown in Exhibit A, attached to the application and as subsequently amended.

Dated at San Francisco, California, this twenty-first day of October, 1926.

DECISION No. 17508.

IN THE MATTER OF THE APPLICATION OF PACIFIC COAST MOTOR COACH COMPANY FOR AN ORDER AUTHORIZING IT TO SELL AND ISSUE ITS PROMISSORY NOTES.

Application No. 13236.

Decided October 21, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Richard S. North, for Applicant.

BY THE COMMISSION.

OPINION.

Pacific Coast Motor Coach Company, a corporation engaged in the business of operating a motor coach line for the transportation of passengers between Newport Beach and San Juan Capistrano, asks permission to issue its promissory notes in the aggregate face amount of $10,000 payable five years after date of issue, with interest at 7 per cent per annum, and secured by mortgage of all of its property and equipment. The company further asks permission to pay a com-

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sion of 2½ per cent to sell the notes and to use the net proceeds to received from the notes to purchase new equipment.

Applicant has an authorized capital stock of $25,000, divided into 0 shares of the par value of $25 each, all common, of which 313 res of the total par value of $7,825 are now outstanding. In Appli- ion No. 12877, the company reports its assets, as of April 22, 1926, follows:

Equipment	$5,200 00
Cash on hand	132 74
Accounts receivable	7 50
Ticket stock	500 00
Stationery and printing	500 00
Auto supplies	550 00
Office supplies	150 00
Miscellaneous	784 76
Total	$7,825 00

The company further reports that it has no indebtedness.

The equipment of $5,200 consisted of one 1923 Moreland 16-passenger ch, one 1925 Reo 16-passenger coach and one 1922 Stevens touring . The company heretofore has reported the need of additional uipment and in Application No. 12877 asked permission to issue),000 of promissory notes for the purpose of acquiring it. Appli- nt's request to issue $20,000 of notes was denied without prejudice. ee Decision No. 17045, dated July 2, 1926.)

It now appears that the company has modified its plans and in this ceeding asks permission to issue only $10,000 of notes. It does not, wever, advise the Commission of the nature of the equipment to purchased and the order herein, while authorizing the issue of the es, will provide that none of the proceeds to be realized may be used ept as authorized by the Commission in supplemental orders herein. It is planned by applicant to execute a mortgage of all its properties secure the payment of the notes. We believe that in addition the es should be endorsed by applicant's stockholders and will so pro- e in the order herein.

ORDER.

Pacific Coast Motor Coach Company having applied to the Railroad mmission for permission to execute a mortgage and to issue notes, d the Railroad Commission being of the opinion that this is a matter which a public hearing is not necessary and that the money, property labor to be procured or paid for through such issue is reasonably quired by applicant for the purpose specified herein, and that the penditures for such purpose are not in whole or in part reasonably rgeable to operating expense or to income;

It is hereby ordered, that Pacific Coast Motor Coach Company be d it hereby is authorized to execute a mortgage substantially in the

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same form as that filed with the Commission in Application No. 12877, and to issue and sell, at not less than 97½ per cent of face value, net, its promissory notes in the aggregate face value of $10,000, payable on or before five years after date with interest at not exceeding 7 per cent per annum.

The authority herein granted is subject to the following conditions:

1. Upon being authorized to do so in supplemental orders herein, applicant may use the net proceeds to be received through the issue of the notes to pay for additional equipment.

2. The authority herein granted to execute a mortgage is for the purpose of this proceeding only and is granted only in so far as this Commission may have jurisdiction under the terms of the Public Utilities Act and the Auto Stage and Truck Transportation Act, and is not intended as an approval of such mortgage as to such other legal requirements to which said mortgage may be subject.

3. No note or notes may be issued unless and until said note or notes are endorsed by applicant's stockholders.

4. No note or notes may be issued until applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act and section 6 of the Auto State and Truck Transportation Act, which fee is $25.

5. Applicant shall keep such record of the issue and sale of the notes herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-first day of October, 1926.

DECISION No. 17509.

RODEO IMPROVEMENT CLUB

vs.

RODEO WATER COMPANY.

Case No. 2203.

Decided October 21, 1926.

RATES—WATER UTILITY—TO INCREASE.—Rates established, designed to yield a reasonable interest on present investment in used and useful property.

Pierce and Carlson, by *Wilber S. Pierce*, for Complainant.
Tormey and O'Leary, by *T. J. O'Leary*, for Defendant.

WHITSELL, *Commissioner.*

OPINION.

The Rodeo Improvement Club, complainant in the above entitled proceeding, is a civic organization formed by residents and water con-

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mers of Rodeo for the purpose of promoting the welfare of the town. The Rodeo Water Company, owned and operated by S. J. Claeys, an unincorporated public utility engaged in the business of furnishg water for domestic purposes to the inhabitants of the unincorpoted town of Rodeo, in Contra Costa County.

Rodeo Improvement Club in its complaint alleges in effect that the ıter furnished the inhabitants of the town of Rodeo from defendant's ells is unsuitable for domestic use, having considerable mineral content d sediment and possessing a brackish taste; that the defendant has ten been requested to discontinue the pumping of water from its ackish well and to substitute therefor a supply of water which is ailable through wholesale purchase from the Port Costa Water Comny, a corporation, and for which the consumers are willing to pay increased rate; that defendant has refused to do so because it can ımp water cheaper than it can be purchased. Wherefore the Rodeo ıprovement Club requests that defendant be ordered to discontinue ımping from its brackish well and obtain a substitutional supply from ort Costa Water Company; and that the Commission fix water rates ıich will yield for defendant a reasonable interest return on its investent in the plant, giving proper consideration to the extra cost of troducing the substitutional supply.

In its answer to above complaint the defendant enters a general nial to the essential allegations of the complainant. Public hearings ere held in this proceeding at Rodeo on April 15 and June 21, 1926, ter all interested parties had been notified and given an opportunity appear and be heard.

The evidence and testimony introduced by complainant indicated at the water furnished from the existing well source was of undesirle quality for domestic purposes, being highly mineralized, having a sagreeable brackish taste and at times being discolored and carrying a ry high content of sediment. A number of witnesses testified that ey have been compelled to obtain the water needed for drinking purses and for washing clothes from springs and other sources. Defendt Claeys stated that he has had chemical analyses made of the water intervals and that the water has never been condemned as unfit for mestic consumption, but he admitted that the water is hard and stes of sulphur and iron. No complaint was made about the service ndered by defendant, other than as to the quality of the water.

H. A. Noble, one of the Commission's hydraulic engineers, introduced detailed appraisal of the existing plant showing the estimated hisrical cost to be $23,279, the corresponding depreciation annuity comıted on the 6 per cent sinking fund basis as $410, and also the present lue as represented by the estimated cost to reproduce new in 1925 ss accrued depreciation, amounting to $18,393.

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The complainants stated that they were willing to pay a reasonable increase over existing rates in order to compensate defendant for the cost of introducing an improved water supply which it was suggested might be obtained by purchase from the pipe mains of either the Port Costa Water Company or the Hercules Water Company, which operates in nearby territory. The hearing was adjourned to enable a joint investigation to be made of the above proposed sources of water to determine the best solution of the problem of an improved water supply and to permit the submission of estimates of cost of installing same and other data necessary for the determination and fixing of proper water rates. At the adjourned hearing it was reported that all parties, including defendant, had agreed that the Hercules Water Company plan, which provided a gravity delivery of water, offered the best and cheapest substitutional supply for Rodeo, and reports thereon, including detailed appraisals, were submitted by Mr. M. Manov, engineer for Rodeo Improvement Club, and by H. A. Noble, from which the following comparative tabulation of estimates is compiled:

	By M. Manov	*By H. A. Noble*
Estimated historical cost of existing plant	$20,127 00	$23,279 00
Deduct: Portion of plant to be abandoned, including pump plants, wells, tanks, etc.	6,079 00	8,149 00
Total for property remaining in use	$14,048 00	$15,130 00
Add: Estimated cost installing Hercules source with 4" pipe main	7,059 00	7,107 00
Total installed	$21,107 00	$22,237 00
Depreciation annuity (6% sinking fund)	361 00	385 00
Estimated annual maintenance and operation expenses for future	3,848 00	4,040 00
Present or depreciated value of structural portions of plant to be abandoned	3,905 00	4,435 00

It is noted that the resulting totals of the appraisals of these properties as submitted by Mr. Manov and Mr. Noble do not differ to any considerable extent.

The evidence shows that Mr. Claeys has agreed to install the proposed Hercules source and to abandon the existing well supply, provided a rate increase would be authorized which would yield a compensatory interest return on the resulting increased investment in the water supply system, together with proper compensation for the part of his plant which would have to be abandoned. The protestants, while agreeing to the proposition of Claeys including the plan for the writing off or amortization of the abandoned plant, objected to paying in excess of a monthly minimum charge of $2. However, the determination of a proper rate, it was agreed, should be left to the Commission.

In July, 1926, subsequent to the submission of this case and pursuant to the above agreement, Claeys installed the facilities for introducing

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he Hercules supply, including 3941 lineal feet of 6-inch standard screw ›ipe, a 73,000-gallon steel tank and 500 lineal feet of 2-inch galvanized crew pipe to connect with a 2-inch master meter on the existing 4-inch ›ipe main of the Hercules Water Company, and submitted to the Commission an itemized statement of the actual cost of above installation, vhich amounted to $9,003.24. On August 1, 1926, the former well ystem was abandoned and delivery of water to the consumers from the iew source of supply began.

Under the circumstances mentioned above, it appears that defendant Claeys has satisfactorily remedied the conditions complained of in this ›roceeding, and therefore it is recommended that the Commission issue in order dismissing this matter in so far as it relates to the former nadequate water supply. There remains therefore only the establishnent of proper rates to be charged for the improved service to be 'endered.

From a careful analysis and consideration of all the evidence submitted relating to the value of this plant at present used and useful, t appears that for the purpose of this proceeding the total of the following items is the fair and reasonable sum to allow as the rate base ipon which to allow an interest return:

Estimated original cost of distribution system	$15,130 00
Actual cost of installing Hercules source	9,003 00
Total present investment in plant	$24,133 00

The depreciation annuity as computed by the 6 per cent sinking und method is found to total $415 after making the necessary adjustnent for the Hercules installation.

The maintenance and operation expenses of this utility for the year 925, when the supply of water was pumped from wells, totaled $3,400. 'he annual maintenance and operation expenses necessary for the uture operation of this system, allowing for purchase of entire water upply from the Hercules Water Company, were estimated by Mr. Manov at $3,848 and $4,040 by the Commission's engineer. After a tudy and analysis of the evidence regarding operating expenses, and aking into consideration the requirements that proper and adequate ervice be rendered, it appears that $4,400 is a reasonable allowance for he annual costs of operation and maintenance for the immediate future. Considering the circumstances under which defendant has installed he new source of supply and which necessitated his abandonment of the ormer well source, it appears fair and reasonable that an annual allownce be included with future operating expenses, sufficient to amortize ›ver a period of five years a sum representing the total present value ›f the wells, pumps, tanks, etc., thus abandoned. From the evidence

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it appears that the total amount of this fund to be amortized is $3,900, or $780 per annum, after allowing for salvage value.

The annual charges for future operation of the system as summarized from the above, are as follows:

Maintenance and operation expenses	$4,400 00
Depreciation annuity	410 00
Amortization allowance	780 00
Total	$5,590 00

Interest return on a rate base of $24,133.

The rates at present in effect produced for the year 1924 a total revenue of $3,800, and for 1925 a total of $3,942.04, with uncollected water bills amounting to $542.

As indicating the character of the water use on this system, the record shows that for April, 1926, there were 209 active consumers, of whom 150 used 400 cubic feet or less and therefore paid the minimum charge only of $1.50 in accordance with the present rate schedule. The system is fully metered. It is evident that the rate schedule heretofore in effect will not produce the necessary revenues.

The rate schedule established in the accompanying order has been designed to yield a reasonable interest return on the present investment in used and useful property, over and above the operating and maintenance expenses and including the amortization fund. In the computation thereof, due allowance has been made for the probable growth in the number of consumers and in the consumption of water due to the improved quality of the water now being delivered.

The following form of order is hereby submitted:

ORDER.

Rodeo Improvement Club having filed a formal complaint against Rodeo Water Company, owned and operated by S. J. Claeys, public hearings having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon:

It is hereby found as a fact that by the installation of a new and improved source of water supply and the abandonment of the existing well source complained of, defendant has fully satisfied the complaint herein.

It is hereby further found as a fact that the rates now charged by S. J. Claeys, operating a water system under the fictitious name and style of Rodeo Water Company, for water delivered to his consumers are unjust, unreasonable and noncompensatory, in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the improved service as now rendered; and basing its order on the foregoing findings of

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:t and on the further statements and findings of fact contained in : opinion preceding this order;

It is hereby ordered, that S. J. Claeys, operating a public utility ter system under the fictitious name and style of Rodeo Water Comny, be and he is hereby authorized and directed to file with this mmission within twenty days from the date of this order the follow- ; schedule of rates, said rates to become effective and be charged : all service rendered subsequent to October 31, 1926:

Rate Schedule.

nthly minimum payments for metered service:

For ¾ inch and ⅝ inch meters	$2 25
For 1 inch meter	4 00
For 1½ inch meter	5 50

nthly quantity rates:

Use from 0 to 300 cubic feet	$2 25
Use from 300 to 1000 cubic feet per 100 cubic feet	39
Use from 1000 to 3000 cubic feet per 100 cubic feet	32
All use over 3000 cubic feet per 100 cubic feet	27

It is hereby further ordered, that said S. J. Claeys file with this Comssion for each six months' period commencing with the period ending cember 31, 1926, a statement giving a summary of its operations, luding the revenues, operating expenses, capital additions and betternts installed, and such requirements and abandonments thereto as y have been made during such period, said statements to be filed or about January 10th and July 10th of each year until further ler of this Commission.

It is hereby further ordered, that said S. J. Claeys file with this mmission within thirty days from the date of this order rules and gulations governing relations with his consumers, said rules and gulations to become effective upon acceptance for filing by the Comssion.

It is hereby further ordered, that except as provided above in this ler the complaint herein be and the same is hereby dismissed.

For all other purposes the effective date of this order shall be twenty ys from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered d as the opinion and order of the Railroad Commission of the State California.

Dated at San Francisco, California, this twenty-first day of October, 26.

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DECISION No. 17517.

IN THE MATTER OF THE APPLICATION OF FRANK GLOBIN FOR A CERTIFICATE OF PUBLIC UTILITY AND NECESSITY IN THE ESTABLISHMENT OF A WATER SYSTEM AT AL TAHOE, CALIFORNIA, AND FIXING RATES THEREOF.

Application No. 12913.

Decided October 21, 1926.

CERTIFICATE—WATER UTILITY—RATES.—Certificate granted applicant to operate water utility in and about the townsite of Al Tahoe, El Dorado County. Rates established.

Clifford A. Russell, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled application Frank Globin requests authority to operate a public utility water plant and to distribute and sell water for domestic purposes to consumers in and in the vicinity of Al Tahoe, a summer resort located upon the shores of Lake Tahoe, in El Dorado County, and further asks that a reasonable rate be established for the service rendered.

A public hearing in this matter was held at Al Tahoe before Examiner Satterwhite, after all interested parties had been duly notified and given an opportunity to be present and be heard.

From the evidence it appears that about 1910 the townsite of Al Tahoe was placed upon the market for sale to the general public as a real estate venture, the plan embracing a large summer resort hotel and grounds with many lots surrounding the hotel, laid out for the building thereon of summer homes and cottages. In order to provide water for the hotel premises and the other property a water system was installed, receiving its supply by diverting water from a small stream called Cold Creek, from which it is conveyed approximately one and one-half miles by open canal into a concrete settling basin and thereafter carried to the main distribution system at Al Tahoe through three and one-half miles of 9-inch riveted steel transmission pipe. The water supply is ample and of good quality. However, the distribution mains beyond the hotel property are small in size, some of them having been installed by and at the expense of the consumers, which has resulted in poor and inadequate pressure at periods of maximum draft.

This system has always been owned and operated by the owner of the hotel properties and was acquired in 1925 by the present owner, Frank Globin, by purchase of the holdings of the former real estate concern which promoted the project. There are no meters on the system and there are no storage facilities, which facts render it difficult to maintain adequate peak load service. The demands upon the

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'stem are mainly for domestic purposes and for the hotel supply, though large quantities of water are used for the sprinkling or irrigaon of lawns and garden shrubbery by the hotel and certain of the nsumers living immediately adjacent thereto where water pressure better than in the more remote parts of the system. There are on average twenty-five consumers including the hotel, which is condered as a single user.

Applicant has asked the Commission for a certificate of public conenience and necessity to operate a water system and for the establishent of rates. It appears from the evidence, however, that this system as originally installed about 1910 and has furnished water practically ntinuously since then for compensation. This company having sold ater as a public utility prior to the enactment of the Public Utilities ct makes it unnecessary for it to secure a certificate of public conenience and necessity at this time.

In connection with the establishment of rates a report was presented y M. I. Reed, one of the Commission's hydraulic engineers, in which ie estimated original cost of the water system was found to be $19,600, cclusive of water rights, as of June 30, 1926, with a corresponding epreciation annuity of $362 computed by the sinking fund method at per cent. Applicant testified that the operating costs amounted to out $1,000 per year for repairs and upkeep, in addition to the service a man to look after the system during the open season from May 1st October 31st, for which he pays at the rate of $6 per day. However, cording to the testimony of the Commission's engineer no separate ecords have been kept by applicant of the actual costs of operating ie water plant, the accounts being included with those of the hotel nd other resort business. It also appeared that only a part of the me of the caretaker of the water plant was devoted to its operation, ie remainder of the time being taken up by other duties in connection ith the resort. The engineer for the Commission estimated the fair nnual costs of maintenance and operating to be $500. Under the cisting conditions and in view of the fact that this system operates ntirely by gravity the estimate of $500 is reasonable and will be used or the purposes of this proceeding.

Various rates have been charged during the past for the service ndered by this utility; the rates now charged are twenty-five dollars er year per consumer, no fixed sum being charged for water delivered the hotel and its grounds. The revenues receivable for the present ason up to the time of the hearing amount to $425 as closely as can e determined from the available records. This sum does not include ny charges for the hotel.

Considerable complaint was made by some of the home owners resideg at the extreme limits of the distribution system that water service

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was inadequate and pressure very low and that at times during each day there was no water at all. The evidence discloses the fact that this is caused by the small and inadequate sized mains serving those consumers on the far ends of the system and also to the unrestricted use of battery fountain sprinkling systems by certain users. This situation can be remedied by the installation of proper sized mains to supply the homes located near the lake shore, and also by the placing in effect of reasonable hours and rules restricting the use of water for lawn and garden irrigation. Such measures will insure a better service to all the homes and will eliminate the present dangerous sanitary conditions. Provision for these changes will be made in the accompanying order.

A consideration of the evidence presented shows that by making allowance for rates covering the service rendered to the hotel properties and for sprinkling or lawn irrigation, the present base rate of twenty-five dollars per annum can be maintained. It must be remembered that this system is located at an elevation slightly exceeding 6225 feet above sea level and that the entire system must be drained at the end of each season to prevent damage by freezing, and that the character of service is that of a summer resort where demand for water is for only a few months of the year. Under these conditions of operation the following rate is believed to be fair to all parties concerned provided proper measures are taken by the utility to improve the water pressure to those consumers at the far ends of the distribution system.

ORDER.

Frank Globin having made application to this Commission as entitled above, asking for a certificate of public convenience and necessity to operate a water system for the purpose of supplying water to consumers in and about the townsite of Al Tahoe, in El Dorado County, and for the establishment of rates to be charged therefore, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the premises:

It is hereby found as a fact for the reasons heretofore set out in the opinion which precedes this order, that a certificate of public convenience and necessity is not required for the operation of this utility; and it is hereby further found as a fact that the rates now charged by Frank Globin for water delivered to his consumers are unjust and unreasonable in so far as they differ from the rates herein established.

And basing the order upon the foregoing findings of fact and upon the statements of fact contained in the opinion which precedes this order;

It is hereby ordered, that Frank Globin be and he is hereby directed to file with this Commission within thirty days from the date of this

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order the following schedule of rates to be charged for all water delivered to his consumers in and in the vicinity of Al Tahoe, El Dorado County, on and after the first day of January, 1927:

Flat Rates.

1. Per residence occupied	$25 00 per annum
2. For each sprinkler head or faucet used in irrigation of lawns and shrubbery in addition to residence rate paid	75 per annum
3. (a) Al Tahoe Hotel, cottages and outbuildings	500 00 per annum
(b) For each faucet or sprinkler head used in the irrigation of lawns, shrubbery and grounds, in addition to 3 (a)	75 per annum

Meter Rates.

1. Metered rates entitling a consumer to a maximum of 3600 cubic feet of water for a period of four consecutive months during any calendar year	$25 00
2. Water used in excess of the above, per 100 cubic feet	20

3. The utility may have the right of installing at its own expense a meter on any consumer's service connection and any consumer may demand a meter which shall be installed by the utility upon payment by the consumer of a deposit of $15 for a ⅝" x ¾" meter, and larger sizes if necessary in like proportion to their cost. The amount of this deposit shall be refunded to the consumer at the rate of one-fifth of the annual water bill until the deposit is satisfied.

NOTE.—All annual payments in the above schedule of flat and metered rates are for the calendar year and payable in advance.

It is hereby further ordered, that Frank Globin be and he is hereby directed as follows:

(1) To file with this Commission within thirty days from the date of this order rules and regulations governing the relations with his consumers, to become effective upon acceptance by the Commission, said rules and regulations to contain among other things a schedule of hours restricting in a reasonable manner the hours and methods for the sprinkling or irrigating of lawns, gardens and shrubbery.

(2) To file with this Commission for its approval, within sixty days from the date of this order, plans for improving the inadequate pressure and water service existing at present on this system, said improvements to be installed and in operation not later than the fifteenth day of June, 1927.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twenty-first day of October, 1926.

DECISION No. 17519.

IN THE MATTER OF THE APPLICATION OF J. B. JOHN TO SELL AND THOMAS R. HANNA TO BUY THE WATER PLANT AND SYSTEM AT WALNUT CREEK IN CONTRA COSTA COUNTY, CALIFORNIA, FORMERLY OWNED BY WALNUT CREEK WATER COMPANY.

Application No. 12616.

Decided October 21, 1926.

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TRANSFER—WATER UTILITY—TO SELL—COMMISSION'S JURISDICTION.—Holding that it has no jurisdiction to fix the value of a water system to determine the price at which it shall be sold, the application is dismissed.

PRICE VITAL FACTOR.—Price purchaser proposes to pay for the properties is a vital factor to be considered in determining if purchaser is able financially to continue their operation.

B. M. Melvin, for J. B. John.
Courtney Moore, for Thomas R. Hanna.

BY THE COMMISSION.

OPINION.

This is an application by J. B. John to sell to Thomas R. Hanna a public utility water system known as the Walnut Creek Water Company and located in the incorporated town of Walnut Creek, Contra Costa County.

The application alleges in effect that since April, 1920, the said water plant and system by order and ruling of this Commission has been and now is in the possession of and operated by the said town of Walnut Creek under the terms of a certain agreement duly ratified and set forth in a resolution adopted by the board of trustees of the said town of Walnut Creek on the twenty-second day of April, 1920; that during all of the time the said plant and system has been operated by the town of Walnut Creek, no payment has been made to the owners for the use of the said properties and no accounting has been made by or on behalf of said town of earnings or expenses or of the amount set aside to equal the loss in value which the property has suffered in the service of the public. It is further alleged that the owner has given an option to one Thomas R. Hanna, who desires to purchase the properties, and the Commission is therefore asked to authorize the transfer.

A public hearing in this matter was held before Examiner Satterwhite at Walnut Creek, after all interested parties had been notified and given an opportunity to appear and be heard.

This water system was formerly owned and operated by the Walnut Creek Water Company, a corporation, whose interests were acquired by applicant, J. B. John, through the purchase and foreclosure of two mortgages on the property and the execution of a deficiency judgment thereon. Prior to 1920 the financial and other conditions of the Walnut Creek Water Company were such that it was unable to maintain an adequate or dependable water service to its consumers. As a result of this situation and in order to provide water for the community the company entered into an agreement with the town of Walnut Creek whereby the town was to take over the operation of the system effective as of April 1, 1920. This arrangement was approved by the Commission in its Decision No. 8090, dated September 13, 1920, rendered in Application No. 5908.

J. B. John now desires to transfer all his rights, title and interests in and to said water plant and system to Thomas R. Hanna, who

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according to the evidence has agreed to pay for these properties an amount equal to 80 per cent of the value of said properties as may be determined by the Railroad Commission, and has therefore requested that such value be fixed.

In an application of the type here involved, this Commission is without jurisdiction to value properties for the purpose of fixing a price at which they are to be sold. No provision of law authorizes this Commission to make such a valuation. It follows, therefore, that this application must be dismissed. It will be dismissed without prejudice so that the parties, after having agreed upon a definite purchase price for the properties, may, if they so elect, file an amended application for authority to make the desired transfer.

This Commission can not authorize the sale of public utility properties without having before it definite information as to the terms of the sale. The price which the purchaser proposes to pay for the properties is a vital factor to be considered by the Commission in determining whether or not the purchaser, if permitted to acquire the properties, will be financially able to continue successfully their operation.

ORDER.

J. B. John having made application to the Railroad Commission to transfer his interest in a certain water system serving consumers in Walnut Creek, Contra Costa County, and the vicinity thereof to Thomas R. Hanna, who joins in the application, a public hearing having been held thereon, the matter having been submitted, and the Commission being of the opinion, for the reasons expressed above, that the application should be dismissed without prejudice;

It is hereby ordered, that the above entitled application, being Application No. 12616, be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this twenty-first day of October, 1926.

DECISION No. 17520.

BAY CITIES TRANSPORTATION COMPANY, A CORPORATION,

vs.

ALAMEDA TRANSPORTATION COMPANY, A CORPORATION.

Case No. 2254.

IN THE MATTER OF THE APPLICATION OF ALAMEDA TRANSPORTATION COMPANY, A CORPORATION, FOR PERMISSION TO ACQUIRE THE PRESCRIPTIVE OPERATING RIGHTS OF W. D. HERYFORD, DOING BUSINESS AS ALAMEDA TRANSPORTATION COMPANY, OR FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE BOATS FOR THE TRANSPORTATION OF PROPERTY (FREIGHT) FOR COMPENSATION, BETWEEN POINTS ON THE

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INLAND WATERS OF THIS STATE AND FOR PERMISSION TO ISSUE STOCK.

Application No. 12437.

Decided October 22, 1926.

CERTIFICATE—CARRIER BY WATER—INLAND WATERS—ILLEGAL OPERATION.—It is found that Alameda Transportation Company is operating the vessels *Fidelity* and *Utility* without a certificate from the Commission covering those boats.

PUBLIC NECESSITY.—It is found that public convenience and necessity do not require the operation of said boats. Application for certificate denied.

RATES—ILLEGAL.—It is found that defendant transported freight at rates less than those lawfully on file with the Commission.

Sanborn and Roehl and DeLancey C. Smith, by *A. B. Roehl*, for Complainant in Case No. 2254, and Protestant, Bay Cities Transportation Company, in Application No. 12437.

Glensor, Clewe and Van Dine, by *H. W. Glensor*, appearing for Defendant, Alameda Transportation Company, in Case No. 2254, and for Applicant, Alameda Transportation Company, in Application No. 12437.

E. W. Hollingsworth and *R. T. Boyd*, for Oakland Chamber of Commerce.
L. H. Rodebaugh, for San Francisco-Sacramento Railroad Company.

LOUTTIT, *Commissioner*.

OPINION.

The Bay Cities Transportation Company, a public utility, filed its amended complaint herein against the defendant, Alameda Transportation Company, on the seventeenth day of July, 1926, alleging improper and unlawful acts and practices of the defendant in the operation by the latter of its service on the inland waters of the State of California between Oakland and San Francisco. An answer was filed by the defendant on the ninth day of August, 1926. On July 3, 1926, the defendant filed its supplemental application in Application No. 12437 seeking a modification of or an amendment to the certificate of public convenience and necessity issued to it by the Commission on the seventeenth day of March, 1926 (Decision No. 16211, Application No. 12437), under which certificate the defendant was authorized "to operate said boat *Jessie Matson* for the transportation of freight between San Francisco and all points on the Oakland estuary, including all shipyards, and between San Francisco, Avon, Bay Point and Richmond." The amendment or modification sought by this supplemental application is for authority to operate "the said *Jessie Matson* and any other boats or barges, and/or vessels which may from time to time be necessary to actually transport the freight offered to applicant as a common carrier for transportation, such transportation to be over the same routes and under the same tariffs as apply to said *Jessie Matson*." By consent of counsel for the respective parties in both proceedings, the matters were consolidated for the purpose of hearing and decision.

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The issues framed by the pleadings in Case No. 2254 are as follows:

First. Whether or not the defendant is and has been operating the vessels *Utility* and *Fidelity* for the transportation of property for compensation between points on the inland waters of the State of California without having first obtained a certificate from this Commission so to do; and

Second. Whether or not the defendant has charged, demanded, collected, and received a lesser or/and different compensation for the transportation of property between points on the inland waters of the State of California than the rates and charges applicable to such transportation as specified in its schedules and tariffs on file with the Commission, which were in effect at the time such charges were demanded, collected, and received.

The prayer of the complainant is for an order of this Commission directing the defendant to cease and desist from operating the vessels *Utility* and *Fidelity*, and, with respect to the allegation that the defendant has demanded, collected and received improper compensation, for such order or orders as to the Commission may seem proper in the premises.

Public hearings were held, the matters were duly submitted, and are now ready for decision.

The pleadings admit and the evidence establishes that the defendant has operated the vessels *Utility* and *Fidelity* for the transportation of property for compensation between San Francisco and Oakland, California.

On January 13, 1926, this defendant filed its Application No. 12437 praying that this Commission authorize the transfer to it of the prescriptive operative rights of one W. D. Heryford between points on the San Francisco Bay and tributaries thereof, or, in the event that such transfer could not be authorized, that a certificate be granted to the defendant for the operation of the *Jessie Matson* between the same points. Subsequent to the filing of this application, the defendant was notified that this Commission was without authority to authorize such a transfer, but could, if proper showing that necessity for such service existed, grant a certificate as prayed for in its application for operation of the *Jessie Matson* to Alameda Transportation Company, provided that W. D. Heryford would file a written surrender of his prescriptive operative rights with this Commission. Pursuant thereto such a written surrender was filed, and on the seventeenth day of March, 1926, this Commission rendered its Decision No. 16211, granting a certificate to the defendant for the operation of the vessel *Jessie Matson* for the transportation of freight between San Francisco and all points on the Oakland estuary, including all shipyards and between San Francisco and Avon, Bay Point and Richmond.

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The defense urged by the defendant is that the Commission inadvertently restricted the defendant's certificate to the use and operation of the vessel *Jessie Matson*. The theory of the defendant is that the Commission did not intend to limit the defendant to the operation of a single vessel, to wit, the *Jessie Matson*, but that the intention was to allow it to operate "vessels" between the points named in the certificate. To this theory I can not subscribe.

Under the provisions of section 50 (*d*) of the Public Utilities Act "no corporation * * * shall hereafter operate * * * any vessel * * * without first having obtained from the Railroad Commission a certificate declaring that present or future public convenience and necessity require * * * such operation," and the same section further provides that this Commission is authorized to issue such a certificate of public convenience and necessity "as prayed for, or to refuse to issue the same, or to issue it for operation between certain points only." When the Commission issued the certificate above named, it issued the same as prayed for, which was for the operation solely of the *Jessie Matson*. Such a restriction and limitation to the one vessel was not inadvertently made.

The operation by the defendant of the vessels *Utility* and *Fidelity* is neither in pursuance of permission or authority granted by the Commission, nor is it an operation within the exception named in section 50 (*d*) of the Public Utilities Act, but is a direct violation of that section. The defendant, therefore, should be ordered to cease and desist from the operation of the vessels *Utility* and *Fidelity* unless and until a certificate of public convenience and necessity is obtained therefor as required by law. I recommend that an order be made accordingly.

As to the second issue, whether or not the defendant has charged, demanded, collected, and received a lesser and different compensation for the transportation of property between points on the inland waters of the State of California than the rates and charges applicable to such transportation as specified in its schedules and tariffs lawfully on file with this Commission, the record discloses that the defendant's Local Freight Tariff No. 1, C. R. C. No. 1, contains a limited number of specific commodity rates, and also a scale of class rates, five classes, one to five inclusive. The class rates are governed by a classification contained in the body of the tariff and are only applicable in the absence of specific commodity rates, by virtue of Rule 1, paragraph (b), which reads:

> Class rates shown in this tariff apply only in the absence of commodity rates. Whenever a commodity rate is established it removes the application of class rates from or to the said points on that commodity.

There are some 40 or 50 specific commodity rates in the tariff including rates of $1.50 per ton, subject to a minimum weight of 30

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ons, and $3 per ton on shipments in lots of less than 30 tons, applicable on freight n. o. s. (not otherwise specified). The latter two rates are generally lower than the rates for commodities specifically named and, in the original tariff, applied between San Francisco and Oakland only. However, effective June 13, 1926, in Supplement No. 2 to the tariff, the application of the rates on freight n. o. s. was amended to embrace all points in the Oakland estuary; this primarily for the purpose of including the Encinal Terminals, located on the Alameda side of the estuary. The establishment of the commodity rates on freight n. o. s. together with those commodity rates already in effect virtually provided commodity rates for any and all freight offered. Thus, on and after June 13, 1926, defendant maintained two sets of commodity rates; first, those on commodities definitely listed in the tariff, and, second, the $1.50 rate and $3 rate applicable on all other commodities embraced within the generic term of "freight n. o. s."

Defendant's general manager interprets the term "n. o. s." to mean "not otherwise specified by the shipper" and testified that it has been the practice, where shipments of miscellaneous freight were presented for transportation and billed as such, to apply the $1.50 per ton or $3 per ton rate according to the weight of the shipment, even though there were included therein commodities for which specific higher commodity rates were provided; in other words, the freight n. o. s. rates were applied according to the way the shipper billed the shipment and not with due regard to whether a shipment contains a commodity that should have taken a higher or lower rate. There was, however, an exception to this practice, viz: that when the commodities classified higher than the first class, defendant arbitrarily and without authority assessed class rates applicable thereto.

The interpretation placed by defendant on the term "freight n. o. s." is strained, illogical and without tariff authority. From the facts presented in this case it appears positively that defendant has placed this interpretation upon the term "freight n. o.s." simply as a device to enable preferred shippers to obtain the benefit of rates lower than those lawfully in effect.

Defendant maintained that the tariff is ambiguous and is subject to misinterpretation, but a careful examination of the tariff fails to sustain this contention. In fact, the opposite is true, for the tariff clearly specifically sets forth when class rates may be used, when commodity rates may be used and when low rates on freight n. o. s. may be used.

From the record it appears that on June 25, 1926, defendant accepted from the Consolidated Motor Freight Lines, Inc., and transported from San Francisco to Oakland 25,550 pounds of freight billed by the consignor as miscellaneous freight. Part of this shipment of 25,550 pounds was 720 pounds of canned goods shipped by the complainant, which

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shipment the complainant alleges to be in violation of section 17 (*a*) of the Public Utilities Act. It was admitted by a witness for defendant that this shipment may or may not have contained commodities specifically listed in the tariff. It is in evidence that defendant assessed a rate of $1.50 per ton and collected freight charges in the sum of $38.33, where, if the shipment did not also contain freight having a specific commodity rating, the lawful applicable rate on file with this Commission was $3 per ton, but not to exceed the charges that would have accrued at the rate of $1.50 per ton, with a minimum weight of 30 tons, therefore, the lawful charges were $45, and the shipment was undercharged in the amount of $6.67.

Section 17 of the Public Utilities Act places upon common carriers the duty of strictly enforcing the provisions of the tariff. Paragraph 2 of section 17 (*a*) reads:

> No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time * * *.

The traffic official of defendant with some twenty years of experience in tariff and rate work was certainly qualified to correctly interpret the published rates.

I am convinced on this record that the defendant has knowingly and wilfully permitted the terms of its tariffs to be violated in contravention of section 17 (*a*), paragraph 2 of the Public Utilities Act, and I recommend that it be ordered to appear before this Commission to show cause why it should not be subjected to a penalty as provided by section 76 (*a*) of the Public Utilities Act for violation of section 17 (*a*) 2 of the Public Utilities Act.

In proceeding C. R. C. Application No. 12437, the Alameda Transportation Company (defendant in C. R. C. Case No. 2254) has filed its application as above stated for an amendment to or modification of the certificate of public convenience and necessity heretofore issued to it by the Commission seeking, in the present proceeding, a modification of or an amendment to the said certificate, so that it may be authorized and permitted to operate these two vessels, to wit, *Fidelity* and *Utility*, in addition to the *Jessie Matson*.

This petition, considered as an application to amend an order under section 64 of the Public Utilities Act, I do not believe sufficiently supported by the evidence adduced in support of the application.

If the said application be considered as an application to the Commission for a certificate of public convenience and necessity to operate the vessels *Utility* and *Fidelity*, the evidence offered at the hearing as to public convenience and necessity is confined almost entirely to testimony that the Alameda Transportation Company has developed a

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at deal of business since the issuance to it of the certificate to rate the *Jessie Matson,* the handling of which business necessitates operation of the two vessels in question. The record discloses that defendant has in large measure developed business by demanding, rging and receiving lower rates than those contained in its pub- ed schedules and tariffs on file with the Commission, and the evi- ce further shows that this business was developed while the two sels were being illegally operated. Under the circumstances, I feel t sufficient evidence of public convenience and necessity has not been luced, and recommended that the application be dismissed without judice.

ORDER.

A complaint having been filed by the Bay Cities Transportation npany, a corporation, against the Alameda Transportation Company, orporation, alleging that the latter has been and is operating the ves- s *Fidelity* and *Utility* between San Francisco and Oakland without a tificate of public convenience and necessity from this Commission, ich is alleged to be contrary to the Public Utilities Act, public hear- s having been held thereon, the matter having been duly submitted, l being now ready for decision:

t is hereby found as a fact that the defendant, Alameda Transporta- n Company, has been, and is operating the vessels *Fidelity* and *Utility* ween San Francisco and Oakland without a certificate of public venience and necessity from this Commission, which is required der section 50 (*d*) of the Public Utilities Act; and

A supplemental application having been filed in Application No. 37 of the Alameda Transportation Company, a corporation, for an endment to Decision No. 16211 of this Commission, dated March 17, 26, said supplemental application requesting that the Alameda Trans- tation Company be given permission to operate additional vessels er than it was authorized to operate by said Decision No. 16211, blic hearings having been held thereon, the matter having been ly submitted, and being now ready for decision;

t is hereby found as a fact that public convenience and necessity not require the operation of additional vessels as requested in the pplemental application; and

A complaint having been filed by the Bay Cities Transportation mpany, a corporation, against the Alameda Transportation Com- ny, a corporation, alleging that the latter has charged, demanded, lected and received a lesser and different compensation for the nsportation of property between San Francisco and Oakland, being the inland waters of the State of California, than the rates and rges applicable to such transportation as specified in its schedules d with the Railroad Commission, public hearings having been held

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thereon, the matters having been duly submitted and being now ready for decision;

It is hereby found as a fact that on the twenty-fifth day of June, 1926, the Alameda Transportation Company transported 25,550 pounds of miscellaneous freight for the Consolidated Motor Freight Lines, at a rate less than that lawfully on file for the transportation of such freight, in violation of paragraph 2 of section 17 (*a*) of the Public Utilities Act; wherefore,

It is hereby ordered, that the Alameda Transportation Company be and the same is hereby ordered to cease and desist from the operation of the vessels *Fidelity* and *Utility* as to the inland waters of the State of California unless and until a certificate of public convenience and necessity is obtained therefor from this Commission; and

It is hereby further ordered, that the supplemental application of the Alameda Transportation Company, a corporation, for an amendment to Decision No. 16211, dated March 17, 1926, be and the same is hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commision of the State of California.

Dated at San Francisco, California, this twenty-second day of October, 1926.

DECISION No. 17522.

IN THE MATTER OF APPLICATION OF PACIFIC ELECTRIC RAILWAY COMPANY FOR AUTHORITY TO ABANDON SERVICE AND REMOVE ITS TRACK ON AVENUE 64 IN THE CITY OF PASADENA.

Application No. 12768.

Decided October 25, 1926.

ABANDONMENT—STREET RAILWAY—INSUFFICIENT REVENUE.—Pacific Electric Railway Company authorized to abandon and remove tracks of that portion of its Annandale line in the city of Pasadena. Expenditure of $47,000 for rehabilitation of paving, necessary if line is to be continued, not warranted.

Frank Karr and *C. W. Cornell* for Applicant.

James H. Howard, City Attorney, and *Roscoe R. Hess*, Assistant City Attorney, for City of Pasadena, Protestant.

Waldo, Hinds and Lawrence, by *G. E. Waldo*, for San Rafael Heights Improvement Association, Wm. R. Meyers Company, San Rafael Hills Association, residents and property owners of the San Rafael Heights District and various real estate owners and companies interested in subdividing, improving and selling land in that district.

BY THE COMMISSION.

OPINION.

Pacific Electric Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the abandonment and

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:moval of that portion of its Annandale line which is located in the ty of Pasadena.

Public hearings on this application were conducted by Examiner andford at Los Angeles, the matter was duly submitted upon the ing of briefs, and is now ready for decision.

The portion of track, herein proposed to be abandoned, is located . the city of Pasadena and is described as follows:

> That certain single track beginning at the intersection of the present constructed single track of the Pacific Electric Railway on Avenue 64 with the southerly city limits of the city of Pasadena; thence northerly along Avenue 64, a distance of approximately 3993.5 feet to the end of said track.

The track herein proposed to be abandoned is more fully shown in :llow color on a blueprint map marked "C.E.H. 9684", as attached) and forming a part of the application herein.

Applicant alleges as justification for the granting of the application ıe following facts: that there is not sufficient patronage on said line) justify its continued operation; that the city of Pasadena has under ay street improvement proceedings on Avenue 64, which would :quire, if the operation of the line is to be continued, an expenditure ı excess of $47,000 for repairs, paving and reconstruction; that appli- ınt does not believe that there is any prospect of sufficient patronage) justify further operation and the cost of the reconstruction inci- ental to the paving program; that public convenience and necessity oes not exist for the further use and maintenance of the line; and ıat the continued use theerof is no longer necessary for the conduct : the business of applicant.

The application contains a statement of the passengers carried and ıe revenue derived therefrom for the period August 1, 1925, to [arch 31, 1926, inclusive, the revenue being apportioned on the basis : a 5 cent fare for each passenger carried, said statement being as)llows:

Month	*Passengers carried*	*Passenger revenue*
ıgust, 1925	416	$20 80
:ptember, 1925	446	22 30
:tober, 1925	417	20 85
)vember, 1925	481	24 05
:cember, 1925	395	19 75
.nuary, 1926	452	22 60
:bruary, 1926	460	23 00
arch, 1926	523	26 15

Mr. H. O. Marler, assistant traffic manager of applicant, testified that ıe line herein proposed to be abandoned was operated from the junc- on of Robles avenue on the South Pasadena line along Avenue 64) its terminus, a one-man car being operated, furnishing hourly serv- :e for nineteen round trips daily.

Exhibits filed at the hearings and covering a travel check during

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the period March 11 to March 31, 1926, inclusive, show the travel on Avenue 64 to be as follows:

Outbound—To Annandale.

Trips daily	56
Total passengers carried	2,526
Passengers carried over portion of line in Pasadena	210

Inbound—From Annandale.

Trips daily	56
Total passengers carried	1,489
Passengers carried over portion of line in Pasadena	161

Checks of passengers carried for the period August 1, 1925, to May 31, 1926, inclusive, show the following data:

Passengers carried between Adelaide place and Annandale:

Outbound	2,736
Inbound	2,049

Travel check for the period April 1 to May 31, 1926, inclusive, shows the following data:

	Between Robles avenue and Adelaide place	*Between Adelaide place and Annandale*
Outbound	7,721	650
Inbound	4,438	554
Totals	12,159	1,204

The track mileage herein proposed to be abandoned is approximately seventy-six hundredths of a mile. The record shows the average cost of operation of the type of one-man cars as used on this line to be 24.21 cents per car mile.

Nineteen round trips daily are operated over the portion of the line proposed to be abandoned or a daily mileage of 14.44. Using the above cost per car mile the daily expense of operation amounts to $3.50.

The rate of fare from the intersection of Robles avenue and Avenue 64 to the end of the line is 6 cents, and in the exhibits presented 5 cents per passenger was allowed as the revenue to be apportioned to the part of the line proposed to be abandoned.

It is apparent that the earnings of the line, for which abandonment is sought, have been materially less than the cost of operation, as will be more fully shown by the following tabulation, based on data heretofore outlined:

Month	*Passengers carried*	*Revenue*	*Cost of operation*	*Deficit*
August, 1925	416	$20 80	$108 50	$87 70
September, 1925	446	22 30	105 00	82 70
October, 1925	417	20 85	108 50	87 65
November, 1925	481	24 05	105 00	80 50
December, 1925	395	19 75	108 50	88 75
January, 1926	452	22 60	108 50	85 90
February, 1926	460	23 00	98 00	75 00
March, 1926	523	26 15	108 50	82 35
April, 1926	590	29 50	105 00	75 50
May, 1926	614	30 70	108 50	77 80

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The granting of the application is protested by the city of Pasadena, an Rafael Heights Improvement Association, Wm. R. Myers Company, San Rafael Hills Association, residents and property owners f the San Rafael Heights District, and various real estate owners and ompanies interested in land sale and subdivision in the territory served y the car line.

We have fully considered the evidence, exhibits and briefs in this roceeding. The record shows that this matter has heretofore been he subject of an application for abandonment before this Commission n Application No. 2369, such application requesting abandonment of he entire line from the intersection of Robles avenue and Avenue 64 o the end of the line. The former proceeding was dismissed without rejudice at the request of the applicant by this Commission's Decision Jo. 3919, dated December 11, 1916.

It is apparent from the record, as hereinabove discussed, that the peration of the railroad line herein proposed to be abandoned has een conducted at a substantial deficit; that the revenue received has ot met the cost of operation, nor provided any return on the value f the property; and that the required expenditure of approximately 47,000 for rehabilitation of track and paving rendered necessary y the paving improvement on Avenue 64 is not justified and would urther burden the patrons of applicant's system in meeting the xpense already required in the maintenance of this unprofitable line f applicant's railway system.

On the record herein we can find no justification for the expenditure f approximately $47,000 for track rehabilitation and paving, such xpenditure being necessary if the rail operation is to be continued nd being required by the paving program now in progress on Avenue 4 in the city of Pasadena. We, therefore, are of the opinion that this pplication for abandonment should be granted, and the order will o provide.

ORDER.

Public hearings having been held in the above entitled proceeding, he matter having been duly submitted following the filing of briefs, he Commission being now fully advised and basing its order on the tatements and finding of fact as set forth in the opinion which precedes his order;

It is hereby ordered, that applicant Pacific Electric Railway Company, a corporation, be and the same hereby is authorized to discontinue ervice and abandon and remove its railroad track and appurtenances n Avenue 64 in the city of Pasadena from the southerly city limits f said city to the end of the line, a distance of approximately 3993 eet, said trackage being more fully shown in yellow color on a blue-

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print map marked "C.E.H. 9684" as attached to and forming a part of the application herein.

For all purposes, other than hereinabove stated, the effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this twenty-fifth day of October, 1926.

DECISION No. 17523.

IN THE MATTER OF THE APPLICATION OF LEWIS A. MONROE, AS AGENT FOR P. E. TIBBETTS, AN INDIVIDUAL, OPERATING AN AUTO FREIGHT SERVICE BETWEEN LOS ANGELES, HEMET AND SAN JACINTO, FOR AUTHORITY TO INCREASE CERTAIN CLASS RATES.

Application No. 13031.

Decided October 25, 1926.

RATES—AUTO TRUCK—TO INCREASE.—Finding that applicant is entitled to a higher rate of return, an increase of class rates is allowed.

H. J. Bischoff and *Lewis A. Monroe*, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by Lewis A. Monroe, as agent for P. E. Tibbetts, an individual doing business under the fictitious name of W. & S. Truck Company, seeking authority to increase the first, second, third and fourth class rates applicable to the transportation of property by motor truck between Los Angeles on the one hand and on the other Hemet and San Jacinto.

A public hearing was held before Examiner Geary at Los Angeles September 28, 1926, and the application having been duly submitted is now ready for our opinion and order.

Applicant, in the performance of his common carrier duties, operates on a daily schedule between Los Angeles and San Jacinto and serves the intermediate points of Perris, Ethenac and Hemet. The bulk of the traffic handled at the present time consists of miscellaneous commodities and practically all of it moves eastbound from Los Angeles. The movement westbound to Los Angeles is extremely light and this condition is shown to be due to the loss of a heavy milk tonnage into Los Angeles, which tonnage is now being hauled by contract carriers, but until April of this year was handled by applicant. It is alleged the revenue derived from the milk tonnage constituted approximately 50 per cent of the total revenue received prior to May 1, 1926.

There was testimony to the effect that since the loss of the milk business the services are being conducted without profit because of the necessity of returning empty the trucks formerly carrying milk

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ı the inbound movement. From exhibits filed it was shown that for ıe months of May, June and July of the current year the operating sses amounted to $992.15, $808.57 and $1,648.57 respectively. The ɔerating results for the entire year of 1925 and for the first four onths of 1926 reflected a slight profit, hence it is apparent that the sses suffered during May, June and July of 1926 were largely due to ıe failure of the milk tonnage. At the present time the reserve depreıation fund is being used to cover the operating deficit.

Applicant proposes a first class rate of 67 cents; second class 62 cents; ıird class 56 cents and fourth class 49 cents, resulting in an increase ı the present rates of 7 cents in the first and second classes; 6 cents ı the third class and 9 cents in the fourth class rate. The proposed ıtes, which include a pickup and delivery service, are for the first ass one-half cent lower; second no change; third one-half cent lower ıd fourth four cents higher than the contemporaneously effective ıtes of The Atchison, Topeka and Santa Fe between the same points. There are to be no changes in the commodity rates.

Applied to the major traffic, that handled from and to San Jacinto ıd Hemet for the month of June, 1926, the proposed rates would roduce $270.41 additional revenue, and while this amount is not ıfficient to offset at this time the entire operating loss, further in-'eases could not be made without losing tonnage to the rail lines.

It is positive applicant must have increased revenue to properly ɔnduct this common carrier service and were it not for the reserve epreciation fund additional capital would be necessary to continue ɔerating.

There were no appearances in opposition, although shippers were otified of the hearing.

After careful consideration of all the facts of record we are of the ɔinion and find that applicant should be permitted to increase its class ıtes as set forth in Exhibit A of the application and that the applicaon should be granted.

ORDER.

The above entitled application having been duly heard and subıitted, full investigation of the matters and things involved having een had and basing this order on the findings of fact and the conusions contained in the opinion preceding this order, which said ɔinion is hereby referred to and made a part hereof;

It is hereby ordered, that applicant, P. E. Tibbetts, an individual, e and he is hereby authorized to publish and maintain a first class ıte of 67 cents; second class rate of 62 cents; third class rate of 56 ents and fourth class rate of 49 cents for the transportation of prop-

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erty between Los Angeles on the one hand and on the other Hemet and San Jacinto, as set forth in Exhibit A attached to the application.

Dated at San Francisco, California, this twenty-fifth day of October, 1926.

DECISION No. 17527.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM FOR AUTHORITY TO PUBLISH AND FILE JOINT PASSENGER FARES IN CONNECTION WITH VALLEY AND COAST TRANSIT COMPANY AND SMITH'S AUTO STAGE.

Application No. 13101.

Decided October 26, 1926.

RATES—AUTO STAGE—JOINT FARES.—Application granted.

Warren E. Libby, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application filed by Pickwick Stages System on behalf of itself, the Valley and Coast Transit Company and Smith's Auto Stage Line seeking authority to establish joint one way and round trip passenger fares as set forth in the application between (a) points served by the Pickwick Stages System on its Coast Division, Los Angeles, Bakersfield, San Francisco and the intermediate points on the one hand, and on the other hand Morro Bay, San Simeon and the intermediate points served by the Valley and Coast Transit Company, and (b) points served by the Pickwick Stages System on its Redwood Highway Division, San Francisco, Crescent Mills, Orleans and the intermediate points on the one hand and on the other Somes Bar, Forks of Salmon, Etna Mills and the intermediate points served by Smith's Auto Stage Line.

A public hearing was held before Examiner Geary at Los Angeles September 28, 1926, and the application having been duly submitted is now ready for our opinion and order.

The proposed fares as set forth in the application are based on the full combination of local fares over the junction point, San Luis Obispo, in connection with the Valley and Coast Transit Company, and Orleans in connection with Smith's Auto Stage Line.

Witnesses for applicants testified that approximately 80 per cent of the traffic handled by the Valley and Coast Transit Company and 33⅓ per cent of the Smith's Auto Stage Line business originates at or is destined to points served by the Pickwick Stages System. It is in evidence that there is a continual demand for the sale of destination tickets and that the establishment of a through route via these carriers

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the sale of joint tickets would be a decided advantage to the eling public.

is not proposed to change in any manner the physical operation ıe auto busses, and passengers will be transferred at the junction ts as at the present time.

ıere were no appearances in opposition to the granting of the lication.

pon consideration of all the facts of record, we are of the opinion find there is a necessity for the publication of these joint fares and the application should be granted.

ORDER.

public hearing having been held in the above entitled proceeding, ence having been submitted by the applicants, and the Commission g fully advised:

he Railroad Commission of the State of California hereby declares there is a necessity for the publication of joint one way and ıd trip passenger fares, as set forth in the application, between (a) ts served by the Pickwick Stages System on its Coast Division, Angeles, Bakersfield, San Francisco and the intermediate points he one hand, and on the other Morro Bay, San Simeon and the rmediate points served by the Valley and Coast Transit Company, (b) points served by the Pickwick Stages System on its Redwood hway Division, San Francisco, Crescent Mills, Orleans and the rmediate points on the one hand and on the other, Somes Bar, ks of Salmon, Etna Mills and the intermediate points served by th's Auto Stage Line.

is hereby ordered, that applicants, Pickwick Stages System, Valley Coast Transit Company and Smith's Auto Stage Line, be and they hereby authorized to publish and file tariffs setting forth the joint s to be assessed over this through route, such fares to be the same ıose set forth in the application.

ated at San Francisco, California, this twenty-sixth day of Octo- 1926.

DECISION No. 17529.

THE MATTER OF APPLICATION OF VENTURA COUNTY RAILWAY COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING APPLICANT TO DISCONTINUE OPERATION OF TRAINS AND CARS FOR THE TRANSPORTATION OF PASSENGERS, EXPRESS AND UNITED STATES MAIL.

Application No. 13151.

Decided October 26, 1926.

ıDONMENT—SERVICE—PASSENGER TRAIN.—Ventura County Railway Company authorized to discontinue operation of passenger train service, contingent upon obtaining authorization from Interstate Commerce Commission.

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I. W. Stewart and *A. B. Shaw, Jr.*, by *I. W. Stewart*, for Applicant.
Norman H. Robotham, for Pacific Coast Motor Coach Company.
A. M. Robertson, for Oxnard Chamber of Commerce.

BY THE COMMISSION.

OPINION.

Ventura County Railway Company, a corporation, has petitioned the Railroad Commission for an order authorizing the discontinuance of passenger train service on its Oxnard-Hueneme branch, from the city of Oxnard to the town of Hueneme, a distance of 6.274 miles, all in the county of Ventura.

A public hearing on this application was conducted by Examiner Handford at Oxnard, the matter was duly submitted and is now ready for decision.

Applicant alleges that for more than twelve years it has operated passenger, mail and express service on its Oxnard-Hueneme Branch; that such operation has been conducted at a loss by reason of the revenue received from the traffic being insufficient to pay operating and other actual expense of such service; that the entire system of applicant is now operating at a loss and has been so operated for the past twelve years (with the exception of the calendar years of 1920 and 1921); that there is a paved highway extending from Oxnard to Hueneme which generally parallels the rail line of applicant, said highway being .874 of a mile shorter than the rail line of applicant between said points; that there is also another highway between Oxnard and Hueneme, which while not paved, is kept in good condition for public travel; that the majority of the travel between said communities is by automobile and such automobile travel is increasing and, in the opinion of applicant will continue to increase.

Applicant further alleges that the total revenue received for the transportation of passengers, mail and express on the Oxnard-Hueneme Branch during the calendar year 1925 was the sum of $1,965.75, or an average of $5.38 per day, which is less than the cost of labor and fuel used in the operation of the passenger service; that in the event of authorization for the discontinuance of passenger train service it is the opinion of applicant that the service will be cared for by automobile service; and that the public convenience and necessity do not require the continuance of the passenger train service herein sought to be abandoned, nor will such service be required in future.

Exhibits attached to the application show the receipts derived from the passenger train service and the expense of operation to be as follows:

Period	*Passenger train revenue*	*Passenger train expense*	*Deficit*
Year ending December 31, 1923	$2,866 04	$8,483 83	$5,617 7
Year ending December 31, 1924	2,550 16	12,948 20	10,398 0
Year ending December 31, 1925	1,965 75	7,237 76	5,272 0

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During the years above mentioned the entire operation of the appli-
ıt's railway was conducted at a loss, and the losses as stated in the
plication are as follows:

	Deficit
ır ending December 31, 1923	$11,899 92
ır ending December 31, 1924	32,267 30
ır ending December 31, 1925	12,838 31

Although advice of the hearing was published and notices were posted
the stations and in the passenger car of applicant, there was no
ɔtest against the granting of the application. Two business men
Oxnard testified that the operation of the passenger service afforded
material accommodation for the residents of Oxnard and Hueneme
ich could not be met by automobile service, and that the abandon-
ınt of the service would be for the public interest.

After full consideration of the record herein we are of the opinion
d hereby find as a fact that the operation of passenger train service
applicant between the city of Oxnard and the town of Hueneme
not required by public convenience and necessity and that the appli-
ion should be granted. Applicant is subject to the jurisdiction of
Interstate Commerce Commission and will require the approval
such Commission to the proposed abandonment of passenger service
accordance with the provisions of paragraphs 18, 19 and 20 of
tion 1 of the Act to Regulate Commerce. The order herein will
ɔvide for the securing of appropriate authorization from the Inter-
te Commerce Commission before becoming effective.

ORDER.

A public hearing having been held in the above entitled proceeding,
matter having been duly submitted, the Commission being now fully
vised and basing its order on the finding of fact as set forth in the
inion which precedes this order;

It is hereby ordered, that applicant, Ventura County Railway Com-
ıy, a corporation, be and the same hereby is authorized to discontinue
operation of passenger train service between Oxnard and Hueneme
its Oxnard-Hueneme Branch in the county of Ventura, and to
ıcel its passenger, baggage and express rates and fares and rules
d regulations relating thereto; provided, however, that this order
ıll not become effective until said applicant will have filed with
s Commission a certified copy of an order, or other appropriate
horization of the Interstate Commerce Commission granting author-
to said applicant for discontinuance of passenger, baggage and
ɔress service on said Oxnard-Hueneme Branch in so far as such
thority is required by paragraphs 18, 19 and 20 of section 1 of the
t to Regulate Commerce.

Dated at San Francisco, California, this twenty-sixth day of October,
26.

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DECISION No. 17530.

IN THE MATTER OF THE APPLICATION OF THE NOVATO UTILITIES COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA, AUTHORIZING IT TO FILE AND ESTABLISH AS THE LEGAL RATE THE RATE HERETOFORE AND ALWAYS CHARGED AND COLLECTED FOR BUSINESS SUBURBAN LINE SERVICE.

Application No. 13189.

Decided October 26, 1926.

RATES—TELEPHONE UTILITY—BUSINESS SUBURBAN SERVICE.—The Novato Utilities Company authorized to file a rate of $2.50 a month for business suburban service, the same being the rate in effect at present.

J. W. Cain and *A. J. Cain*, for Novato Utilities Company.

BY THE COMMISSION.

OPINION.

In this application Novato Utilities Company, a corporation, requests the Railroad Commission for authority to file and make legally effective the rate for business suburban telephone service which is now being charged to subscribers to such service in its territory.

A public hearing was held in this application before Examiner Austin, in Novato on October 15, 1926, at which time and place the matter was submitted.

Novato Utilities Company is a corporation, organized under the laws of the State of California, and is engaged in the furnishing of electric light and power service, water for domestic purposes, and telephone service to inhabitants of Novato and surrounding territory in Marin County.

The Railroad Commission in its Decision No. 8081, dated September 13, 1920, ordered applicant to establish and file a rate of $2.25 for residence suburban service but did not then authorize a rate for business suburban service.

The company on May 10, 1925, filed with the Commission a rate of $2.25 for business suburban service effective May 20, 1925, which was the same as that filed for residence service on September 24, 1920, in compliance with Decision No. 8081, and as filed again on May 10, 1925, in compliance with the Commission's General Order No. 68. However, applicant has been rendering bills and making collections for business suburban service at a rate of $2.50 per month and the present application was made for authority to make this rate legal.

J. W. Cain in his testimony for applicant, stated that the filing of a rate lower than that which was being applied was done through oversight.

No one at the hearing offered any objection to the granting of the application.

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It is an established principle of telephone rate making that business suburban service should take a higher rate than residence suburban service and therefore, good cause appearing, the order following will provide for the filing and making effective of the rate requested.

ORDER.

Novato Utilities Company, a corporation, having made application to the Railroad Commission for authority to charge and collect a rate of $2.50 for business suburban service, a public hearing having been held thereon, the matter having been submitted and now being ready for decision;

It is hereby ordered, that Novato Utilities Company be and it is hereby granted authority to file, on or before November 20, 1926, a rate of $2.50, effective December 1, 1926, for business suburban service.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twenty-sixth day of October, 1926.

DECISION No. 17532.

IN THE MATTER OF THE APPLICATION OF PORT COSTA WATER COMPANY, A CORPORATION, FOR AUTHORITY TO SELL REAL PROPERTY.

Application No. 13207.

Decided October 26, 1926.

TRANSFER—REAL PROPERTY—WATER UTILITY.—Application granted.

Thickering and Gregory, for Applicant.

BY THE COMMISSION.

ORDER.

Port Costa Water Company has applied to the Commission for permission to sell approximately 6.336 acres of land for the sum of $5,250 to the East Bay Municipal Utility District. The land is situated in Contra Costa County and is to be sold pursuant to the terms and conditions of the agreements marked Exhibit "B" and filed in this proceeding to which agreements reference is hereby made for the terms and conditions under which the properties are to be transferred. Exhibit "A" attached hereto contains a detailed description of the properties. It is of record that East Bay Municipal Utility District desires and requires the properties for the purpose of constructing and installing thereon an acqueduct for the conveyance of water to the city of Oakland. The Port Costa Water Company, among other things, reserves to itself the right to pump, take and withdraw underground waters from the lands which it asks permission to sell and to sell and dispose

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of such waters as a public utility or otherwise. It, however, does not have the right to place any wells or pumps upon the land.

The Commission has considered the request of applicant and is of the opinion that this is a matter in which a public hearing is not necessary and that this application should be granted; therefore,

It is hereby ordered, that Port Costa Water Company be and it is hereby authorized to sell to the East Bay Municipal Utility District the properties described in Exhibit "A" attached hereto, said sale to be made subject to the terms and conditions set forth in Exhibit "B" filed in this proceeding.

Dated at San Francisco, California, this twenty-sixth day of October, 1926.

EXHIBIT "A."

Parcel No. 1.

All that certain piece or parcel of land situated in the county of Contra Costa, State of California, and more particularly bounded and described as follows, to wit:

"A strip of land 100.00 feet in width, being 50.00 feet on each side of the center line, said center line being described as follows: Beginning at a point on the center line of Bates Ave., as shown on map entitled 'Map of the Government or Gwin Ranch,' recorded November 8, 1884, in book 'D,' page 87, in the office of the county recorder, Contra Costa County, California; which point bears S. 79° 37' W. 3080.95 feet from the intersection of the center line of the said Bates avenue with the easterly boundary line, produced, of lot 15, of the said Government Ranch; and running thence N. 09° 38' E. 2417.3 feet to the center line of Tormey avenue as shown on the said map, and containing an area of 5.549 acres, and being a portion of the tract of land conveyed to Port Costa Water Co., a corporation, by deed dated October 15, 1924, and recorded October 20, 1924, in Vol. 476 of deeds, page 336, in the office of the county recorder, Contra Costa County, California."

Parcel No. 2.

All that certain piece or parcel of land situated in the County of Contra Costa, State of California, and more particularly bounded and described as follows, to wit:

"Beginning at a point on the westerly boundary line of the Southern Pacific Railroad right of way where the boundary line between the land of Benezio and John Bisso and the land of the Port Costa Water Co. intersects the same, and running thence along the boundary line between the lands of said Benezio and John Bisso and the said Port Costa Water Co., N. 77° 06' W. 188.58 feet; thence leaving said boundary line, N. 09° 38' E. 314.68 feet to a point on the said westerly boundary line of the Southern Pacific Railroad Co. right of way; thence along said westerly boundary line a distance of 250.8 feet; thence by a curve to the right of 768.64-foot radius, a distance of 127.9 feet, to the point of beginning, and containing an area of 0.787 acre, being a portion of the tract of land conveyed to Port Costa Water Co. by deed dated July 26, 1918, and recorded November 15, 1919, in Vol. 351 of deeds, page 155, records of Contra Costa County, California."

For exceptions and reservations, see Exhibit "B," Application No. 13207.

DECISION No. 17534.

IN THE MATTER OF THE APPLICATION OF ROSEVILLE WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING THE CREATION OF BONDED INDEBTEDNESS IN THE SUM OF TWO HUNDRED THOUSAND DOLLARS AND THE ISSUANCE AND SALE OF BONDS IN THE SUM OF ONE HUNDRED EIGHTY THOUSAND DOLLARS.

Application No. 13171.

Decided October 26, 1926.

BY THE COMMISSION.

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FIRST SUPPLEMENTAL ORDER.

The Commission by Decision No. 17434, dated October 5, 1926, uthorized the Roseville Water Company to issue $180,000 face value f bonds, subject among others to the condition that the authority to sue said bonds will not become effective until the Commission by ıpplemental order has authorized the company to execute a mortgage nd/or deed of trust to secure the payment of said bonds.

On October 9, 1926, the company filed with the Commission a copy f its proposed mortgage and/or deed of trust. The mortgage and/or eed of trust provides that at a meeting of the bondholders called ursuant to the provisions of article eleven the holders of 60 per cent f the outstanding bonds may by resolution change or modify or add) or eliminate any of the provisions of the mortgage and/or deed of ·ust except they can not change the maturity date of the bonds or the ate on which interest payments become due. We believe that wherever) per cent is employed in article eleven of the proposed mortgage nd/or deed of trust it should be changed to 80 per cent. With this ıange the proposed mortgage and/or deed of trust is in satisfactory)rm; therefore,

It is hereby ordered, that the Roseville Water Company be and it is ereby authorized to execute a mortgage and/or deed of trust substanally in the same form as the mortgage and/or deed of trust filed with ıe Commission on October 9, 1926, provided that said mortgage nd/or deed of trust is modified, as indicated in this first supplemental rder; and provided further, that the authority herein granted to xecute a mortgage and/or deed of trust is for the purpose of this roceeding only and is granted only in so far as this Commission has ırisdiction under the terms of the Public Utilities Act, and is not ıtended as an approval of said mortgage and/or deed of trust as to ıch other legal requirements to which said mortgage and/or deed of ·ust may be subject.

It is hereby further ordered, that within thirty days after the execuon of the mortgage and/or deed of trust herein referred to, Roseville Vater Company shall file two certified copies of said mortgage and/or eed of trust.

Dated at San Francisco, California, this twenty-sixth day of October, 926.

DECISION No. 17539.

N THE MATTER OF THE APPLICATION OF VOLCANO TELEPHONE COMPANY, UNINCORPORATED, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FILING OF RULES AND REGULATIONS RELATING TO SERVICE CONNECTION CHARGES, RESTORATION CHARGES, MOVES AND CHANGES, TOLL AND TELEGRAPH RATES.

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Application No. 11645.
Decided October 27, 1926.

RATES—SERVICE CHARGES—TELEPHONE UTILITY.—A charge of five cents a call fo each local message from public pay stations authorized. Commission's standar charges for moves and changes of telephone equipment established.

A. L. Wilson, for Applicant.
L. M. Brown, for The Pacific Telephone and Telegraph Company.

WHITSELL, *Commissioner.*

OPINION.

This is an application of Joseph Lagomarsino, doing business unde the name and style of Volcano Telephone Company, hereinafte referred to as applicant, in which request is made of the Railroa Commission for an order authorizing the filing and making effectiv of rules and regulations relating to service connection and restoratio charges, moves and changes and certain rates for telephone toll an telegraph service. A public hearing was held on this application i Volcano on April 23, 1926.

Applicant is engaged in a general telephone business in the tow of Volcano and operates toll lines in contiguous territory in Amado and Calaveras counties, connecting at Jackson and Mokelumne Hi with the lines of The Pacific Telephone and Telegraph Company.

Request is made for authority to file and make effective rules an regulations relating to service connection, restoration and moves an changes charges similar to those specified in this Commission's Decisio No. 8146 (18 C. R. C. 912) and Decision No. 13478 (24 C. R. C. 854) Such rules and regulations are generally effective in this state and there appearing no good reason why applicant should not file and mak effective similar rules, the order following will so provide.

Applicant asks for an order to make effective certain toll rates se forth in the application. It appears that toll rates effective for appli cant's service prior to the period of federal control of telephone an telegraph systems, August 1, 1918, to July 31, 1919, differ from certai rates placed in effect during that period and which are in some respect different from rates in effect at this time and from those proposed a the hearing. The evidence indicates that Jackson is the connectin point to the toll lines of The Pacific Telephone and Telegraph Compan for calls to and from Pine Grove, Volcano, Cooks Station and Wes Point and that Mokelumne Hill is the similar connecting point fo calls to and from Rich Gulch, Glencoe and Railroad Flat, a toll statior

Applicant requested, at the hearing, permission to amend the appli cation to request that the toll charges for messages between points o applicant's system and points on The Pacific Telephone and Telegrap Company's system would include applicant's rates as, so called, "othe line charges" in addition to the rates to or from points on The Pacifi

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'elephone and Telegraph Company's lines to Jackson and Mokelumne Hill and replace air-line rates established during federal control.

It appears that the evidence submitted is not sufficient to show that he revenues of applicant would not be increased to such an extent hat an unreasonably high return on his investment would be secured f "other line" charges were authorized as requested; therefore, the equest will be denied.

Contractual relations, subject to the approval of the Railroad Commission, should be entered into by applicant and The Pacific Telephone nd Telegraph Company relative to a division of toll revenues involving oth companies.

It is the desire of applicant to file and place in effect telegraph ates, between Jackson or Mokelumne Hill and stations on applicant's ystem, of 30 cents for a ten-word telegram with additional words at ½ cents each, 45 cents for each day letter of fifty words with an additional charge of 9 cents for each additional ten words and 30 cents or each night letter of fifty words with an additional charge of 6 cents or each additional ten words. There appears no good reason why these elegraph rates should not be filed and made effective.

Applicant, at the hearing, also asked for authority to establish a harge of 5 cents for each local exchange message from public pay tations to any subscriber's station in his exchange, exclusive of toll tations. Such a rate is consistent with the regular practice and the rder following will so provide.

I recommend the following form of order:

ORDER.

Joseph Lagomarsino, doing business under the name and style of Volcano Telephone Company, having made application to the Railroad Commission for authority to file and make effective rules and regulations relative to service connection and restoration, move and change harges and for certain toll and telegraph rates and a charge of 5 cents or each local exchange telephone message from public pay stations o subscribers' stations except toll stations, a public hearing having een held, the Railroad Commission having fully considered all evidence n the proceeding and the matter being under submission and ready or decision;

It is hereby ordered, that Joseph Lagomarsino, doing business under he name and style of Volcano Telephone Company, be and he is ereby authorized to file with this Commission, on or before Decemer 10, 1926, effective January 1, 1927:

1. The rule and regulation relating to service connection and restoration charges as set forth in Exhibit "A," attached hereto;

2. The rule and regulation relating to moves and changes charges

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as set forth in Exhibit "B," attached hereto;

3. Rates for toll telephone service as set forth in Exhibit "C," attached hereto;

4. Rates for telegraph service as set forth in Exhibit "D," attached hereto;

5. A rate of 5 cents for each local exchange telephone message made from public pay stations to subscribers' stations in his exchange, except toll stations.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-seventh day of October, 1926.

EXHIBIT "A."

A. *Service Connection Charges.*

Service connection charges provided for hereinunder are payable at the time application for the particular service or facility is made, and are in addition to the regular schedule of rates.

Service connection charges apply to all exchange service and facilities, except farmer line service, in accordance with the following provisions:

	Service connection charges
1. New service—	
Party lines:	
Business and residence, each station	$3 50
2. Additional service—	
Party lines:	
Business and residence, each station	3 50
3. Service where instrumentalities are already in place on subscriber's premises and no change in type or location of facilities is involved—	
Business and residence, subscribers' exchange service and facilities, all types, except farmer line service, one or more units	1 50

A change in location or type of facilities made at subscriber's request is subject to the charges for moves and changes, provided the total charges shall not exceed the charges for the initial establisment of the subscriber's complete service and facilities.

Service connection charges do not apply under the following conditions:

Business service—

(a) When service is assumed by a receiver or trustee, executor or administrator of an estate.
(b) Change in name of the business concern (i. e., individual, partnership, syndicate or corporation) when there is no complete change in ownership or management.

Residence service—

(a) When service is assumed by a member of the former subscriber's family located in the same premises.
(b) When there is no change in the individuality of the recipient.
(c) When the subscriber's name has been changed by marriage or court order.

B. *Service Charge for Restoration of Service.*

A service charge of $1.00 may be made and collected by the company before the restoration of service where service has been temporarily discontinued for any of the following reasons:

(a) Nonpayment of bills as required by these rules and regulations.
(b) To protect the company against fraud.
(c) For failure of subscriber to comply with the company's rules and regulations after service has been established.
(d) For any other reason for which subscriber is responsible, except a change in class, type or grade of service or location of facilities.

When a service has been permanently disconnected, the above charge does not apply.

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EXHIBIT "B."

MOVES AND CHANGES.

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company and the charges for such work will be as follows:

A. Telephone sets—

1. Moving from one location to another---------- $3 00
2. Change in type or style---------- 3 00

C. Other equipment and wiring—

Charges for moving or changing equipment or wiring, other than that included under A above, will be an amount equal to the actual cost of labor and material involved.

D. Maintenance—

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for the proper maintenance of the equipment or service.

E. Change in class of service—

The charges specified above do not apply if the changes are required because of a change in the type, class or grade of service.

EXHIBIT "C."

TOLL SERVICE SCHEDULE.

Applicable to station-to-station, person-to-person, appointment and messenger calls between the points listed below.

The initial period rate applicable to station-to-station, person-to-person, appointment and messenger calls, report charges, initial period, overtime period and overtime rates are shown by the following table:

Between	*and*	*Completed station-to-station calls*	*Completed person-to-person calls*	*Completed Appt. and Mess. calls*	*Report charges*
Cook's Station	Jackson,	†.30(3).05	†.40(3).05	†.45(3).05	†.10
	Pine Grove,		*.25(3).05		
	Railroad Flat,		*.30(3).05		
	Volcano,		*.25(3).05		
	West Point		*.25(3).05		
	Mokelumne Hill,	††.35(3).05	††.45(3).05		
Pine Grove	Cook's Station,		*.25(3).05		
	Jackson,	.10(5).05(3)	.15(3).05	.20(3).05	.05
	Railroad Flat,		*.25(3).05		
	Volcano,		*.15(3).05		
	West Point,		*.25(3).05		
	Mokelumne Hill,	.15(5).05(3)	.20(3).05		
Railroad Flat	Cook's Station,		*.30(3).05		
	Mokelumne Hill,	.15(5).05(3)	.20(3).05	.20(3).05	.05
	Pine Grove,		*.25(3).05		
	Volcano,		*.25(3).05		
	West Point,		*.15(3).05		
	Jackson,	.15(5).05(3)	.20(3).05		
Volcano	Cook's Station,		*.25(3).05		
	Jackson,	.10(5).05(3)	.15(3).05	.20(3).05	.05
	Pine Grove,		*.15(3).05		
	Railroad Flat,		*.25(3).05		
	West Point,		*.25(3).05		
	Mokelumne Hill,	.15(5).05(3)	.20(3).05		
West Point	Cook's Station,		*.25(3).05		
	Jackson,	.15(5).05(2)	.20(3).05	.25(3).05	.10
	Mokelumne Hill,	.15(5).05(3)	.20(3).05	.20(3).05	.05
	Pine Grove,		*.25(3).05		
	Railroad Flat,		*.15(3).05		
	Volcano,		*.25(3).05		

† Nonsubscribers charged full rate, subscribers charged the rate between Volcano and Jackson.

†† New subscribers charged full rate, subscribers charged the rate between Volcano and Mokelumne Hill.

* Applicable only to nonsubscribers. No toll is charged to subscribers between any of these points. Rates are based on person-to-person calls.

Rates not preceded by an asterisk apply to subscribers as well as nonsubscribers.

Rates to Points on Other Companies' Lines.

The rates for any of the classes of toll service specified herein, between toll points on the lines of Volcano Telephone Company and toll points on the lines of

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The Pacific Telephone and Telegraph Company and connecting companies, are the through rates quoted by The Pacific Telephone and Telegraph Company.

EXHIBIT "D."

TELEGRAPH RATE SCHEDULE.

1. Telegrams—	
First ten (10) words or less	$0 30
Each additional word	025
2. Day letters—	
First fifty (50) words or less	45
Each additional ten (10) words or less	09
3. Night letters—	
First fifty (50) words or less	30
Each additional ten (10) words or less	06

Above rates are applicable to service between either Jackson or Mokelumne Hill and any one of the following points: Volcano, Cook's Station, Pine Grove, Railroad Flat and West Point.

Messages of the above specified classes will be accepted for transmission to points on the lines of connecting companies. The charges applicable to such messages are composed of the rates quoted by the connecting company from the connecting point to such points in addition to the rates of the Volcano Telephone Company as shown above.

DECISION No. 17540.

IN THE MATTER OF THE APPLICATION OF HEMET TRANSFER AND STORAGE TO OPERATE AN AUTOMOBILE TRUCK SERVICE BETWEEN LOS ANGELES AND LOS ANGELES HARBOR POINTS AND IDYLWILD, SAN JACINTO AND POINTS WITHIN A RADIUS OF TEN MILES THEREOF AND HEMET AND POINTS WITHIN A RADIUS OF TEN MILES THEREOF; ALSO FOR THE TRANSPORTATION OF FRESH FRUIT, CITRUS AND DECIDUOUS, FROM POINTS WITHIN A RADIUS OF TEN MILES OF HEMET AND JACINTO TO CANNERIES AND PACKING HOUSES AT HEMET, ONTARIO, POMONA, CUCAMONGA AND RIVERSIDE.

Application No. 11319.

Decided October 29, 1926.

CERTIFICATE—AUTO TRUCKS—RADIAL SERVICE.—Certificate granted for operation of a service between Hemet and Los Angeles and the Los Angeles harbor district, between canneries and packing houses at Hemet and Ontario, Pomona, Cucamonga and Riverside. Certificate denied for radial operation out of Hemet and other routes named in application.

Richard T. Eddy, for Applicant.
Herbert W. Kidd, for Motor Transit Company, Protestant.
Phil Jacobson, for Hodge Transportation System, Granger Truck Service and Bekins Van Lines, Protestants.
H. J. Bischoff, for W. & S. Truck Company.
M. Thompson, for American Railway Express Company, Protestant.
E. R. McCarty and *L. R. Everett*, for The Atchison, Topeka and Santa Fe Railway Company, Protestant.

BY THE COMMISSION.

OPINION.

By the application in this proceeding, as amended, F. E. Kelly, H. E. Kelly and L. N. Kelly, copartners operating under the fictitious name of Hemet Transfer and Storage, seek authority to establish an automotive freight service over the following routes:

(1) Between Los Angeles and Los Angeles harbor points and Hemet and points within a radius of ten miles thereof, on all commodities.

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(2) Between Los Angeles and Los Angeles harbor points and San acinto, on lumber, pipe, fertilizer, cement in truck load lots only.

(3) Betwen Hemet and all points within a radius of ten miles ıereof, household goods in truck lots only.

(4) Between Hemet and points within a radius of twenty miles ıereof, all commodities.

(5) Pipe from Los Nietos to Hemet and all points within a radius twenty miles thereof.

(6) Between Hemet and points within a radius of twenty miles ıereof to packing houses and canneries at Hemet, Ontario, Pomona, ucamonga and Riverside, fresh fruit, citrus and deciduous; also ınned goods.

(7) Live stock between Hemet and points within a radius of twenty ıiles thereof to Los Angeles, Riverside, Fontana, Pomona, Ontario ıd Colton.

Public hearings in this matter were held before Examiner Austin Hemet, when evidence was offered, the matter was submitted, and is now ready for decision.

The applicants, who are copartners, each owning a one-third interest ı the firm, have succeeded to the business formerly conducted by . E. Kelly. Their equipment consists of eleven trucks, most of which re Packard models ranging from 1912 to 1922, and six trailers, esti- ıated to be worth about $36,000, approximately their original cost. ıbout $800 is owing on the purchase price of two of these trucks; herwise, the equipment is unencumbered. F. E. Kelly owns real roperty worth about $7,000, subject to a mortgage of approximately 2,500, which will be used in the business. Applicants began opera- ons with very little capital, but have earned sufficient to purchase ıeir present equipment.

Protestants contend that this equipment is not so valuable as claimed y applicants. Mr. Tibbits, of the W. & S. Truck Company, stated ıat trucks of such old models were incapable of performing the serv- e he had rendered; and Mr. Hodge, of the Hodge Transportation ystem, estimated the market value of applicants' equipment to be ot over $6,000, although it might have a greater value to the operator ı conducting his business. Since applicants have charged off no epreciation upon this equipment, it is apparent that its actual value ; considerably less than the original cost.

Applicants propose to conduct an on call service, no attempt being ıade to observe any regular schedules. Applicants themselves will evote all their time to the business, hiring such other drivers as may e necessary, and will maintain an office at Hemet. Shipments will be estricted to those weighing five tons or over for any one shipper, but ıixed loads will be accepted from several consignors to one consignee,

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or one consignor to several consignees, provided the freight charges ar paid by the one consignor or consignee, as the case may be. No such shipments will be accepted where the charges are divided between tw or more persons.

In dealing with the evidence intended to establish a need for thi service we shall classify it in accordance with the routes over which applicants propose to operate.

1. All Commodities Between Los Angeles and Los Angeles Harbor Points an Hemet and Points Within a Radius of Ten Miles Thereof.

From Hemet to Los Angeles, applicants have transported furniture live stock, feed, hay and grain, canned apricots and peaches, fresh apricots, oranges, pears and peaches, and eggs. No milk has been handled, most of this having been hauled by the W. & S. truck line From Hemet to Los Angeles harbor points, applicants have hauled oranges and canned apricots and peaches, this service being of an emergency nature due to the necessity for making close connection with steamers transporting these products. In the reverse direction from Los Angeles to Hemet, the principal commodities comprise gro ceries, lumber and building material, with occasional shipments o machinery, furniture and miscellaneous commodities. From the har bor to Hemet, fertilizer and lumber have been handled. No groceries have been hauled to San Jacinto, although it is within the ten-mil zone, shipments having been distributed to this point from Hemet. A detailed statement of the tonnage handled during the years 1922 t 1924, inclusive, was introduced, showing that between Hemet and Lo Angeles and the harbor applicants hauled in 1922 an average of si tons daily; in 1923 an average of five tons daily; and in 1924 an average of seven tons daily. During the first nine months of 192 the tonnage handled from Los Angeles and the harbor to Hemet was a follows:

Lumber	216.84 ton
Groceries	272.65 ton
Plaster and wall board	63.5 ton
Total	552.99 ton

In the opposite direction from Hemet to Los Angeles and the harbo the shipments consisted of:

Dried fruit	180.1 ton
Canned goods	571.32 ton
Hay	44.00 ton
Total	795.42 ton

In addition, 2194 cases of eggs were hauled, the weight of which wa not shown.

During this time applicants made approximately 163 trips from

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Los Angeles and the harbor to Hemet, and 108 trips in the opposite direction, making a total of 271 trips, averaging approximately one trip per day, including Sundays and holidays. From Los Angeles to Hemet, shipments averaged 3.39 tons per trip; in the opposite direction, 7.36 tons per trip; and for all shipments, 4.97 tons per trip.

Several shippers were called to show a need for the proposed service. E. W. Rickard, of the California Cooperative Fruit Canners, has employed applicants to transport a considerable volume of canned goods to the harbor, being influenced to some extent by the low rates quoted. The service has been satisfactory. Applicants' principal shipper, D. W. Gauld, a groceryman of Hemet, testified that Hemet Transfer has hauled groceries and supplies in considerable quantities from Los Angeles, and wheat and eggs in the opposite direction. He has found the service and rates satisfactory. Shipments are made about five times a month, and sometimes more frequently. During 1925 his shipments of groceries from Los Angeles amounted approximately to 272 tons, all having moved under the $5 rate. Gauld is the only grocer in Hemet patronizing Hemet Transfer. Applicants have hauled lumber from Los Angeles and the harbor to H. W. Spaulding, a lumber dealer of Hemet, in many instances delivering it directly to the job. Because of the uncertain market, he has found it convenient to bring in plaster and wall board in small quantities rather than keep on hand a large supply, and for this purpose truck transportation is superior to the railroad service. However, the larger shipments of lumber will continue to move by rail. A rancher near Hemet testified that during 1925 he shipped about 380 tons of apricots over applicants' lines to Los Angeles, finding the service and rates satisfactory. He has not patronized other lines because of their higher rates. By stipulation entered into at the hearing, it was understood that certain shippers, if called, would indorse the application. This included the manager of the Mutual Orange Growers, who will use the service for transporting oranges to the harbor at a rate not exceeding $6 per ton; an implement dealer at Hemet, who has used the service for handling farm machinery and implements from Los Angeles, finding it satisfactory; and the manager of Hemet Packing Company, and a grower of prunes and apricots, both of whom indorsed the service, having used it in the past for handling a substantial tonnage to the harbor.

2. Lumber, Pipe, Fertilizer and Cement in Truck Load Lots Only, Between Los Angeles and Los Angeles Harbor Points and San Jacinto.

No lumber, cement, pipe or fertilizer have been transported by Hemet Transfer from Los Angeles and the harbor to San Jacinto, these commodities having been distributed in San Jacinto by local merchants of Hemet, who originally obtained them from Los Angeles or harbor

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points. In other words, there has been no through movement to San Jacinto.

3. Household Goods in Truck Load Lots Only Between Hemet and All Points Within a Radius of Ten Miles.

Although it was stated generally by Mr. Kelly that there had been a demand for the movement of household goods in this territory, nothing specific was shown in this respect.

4. All Commodities Between Hemet and All Points Within a Radius of Twenty Miles Thereof.

The testimony falling within this group indicated that Hemet Transfer has been engaged in the transportation of live stock, hay and grain, deciduous fruits, including apricots, peaches and pears, citrus fruits, such as oranges; also olives and walnuts. In general, it may be said that these commodities are produced within the area described, and that there is a need for their transportation to warehouses, packing houses and canneries at Hemet. There was also some evidence relative to the local movement of crude oil in this district. However, no showing was made of any definite route or fixed termini over or between which this traffic moved or would be transported in the future, the evidence going no further than to show the production of these commodities, and the need for transportation.

5. Pipe from Los Nietos to Hemet and Points Within a Twenty Mile Radius.

The record shows that during 1925 there has been but one shipment from Los Nietos, consisting of 155 tons of vitrified pipe used in connection with an irrigation project, this being an emergency shipment due to an unprecedented drouth. It was admitted by one of the applicants that there was no assurance of any future movement of a similar character.

6. Fresh Fruit and Canned Goods Between Hemet and Points Within a Radius of Twenty Miles Thereof on the One Hand, and Packing Houses and Canneries at Hemet, Ontario, Pomona, Cucamonga and Riverside on the Other Hand.

The evidence establishes that during the packing and canning seasons there has been a movement of oranges, apricots and peaches from the territory surrounding Hemet to canneries at the points mentioned, resulting from the inability of the canneries and packing houses at Hemet to handle the entire product, and it was therefore necessary to ship the surplus to other points. These shipments are of an emergency nature, and there is need for prompt handling in order to prevent deterioration.

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7. Live Stock Between Hemet and Points Within a Radius of Twenty Miles Thereof and Los Angeles, Riverside, Fontana, Pomona, Ontario and Colton.

In connection with this proposed route the record shows that applicants have occasionally shipped hogs from a ranch two miles west of Hemet to Colton, Pomona, Ventura and Los Angeles, particularly in connection with exhibits at county fairs. Also, they have handled milk cows between dairies at these points, and have hauled calves to market from another ranch near Hemet. According to a stipulation made at the hearing, it appears that a rancher near Hemet has employed Hemet Transfer to transport live stock, principally for exhibition purposes, to Los Angeles, Ontario, Pomona and Riverside, and has found the service satisfactory.

Considerable testimony was introduced concerning applicants' operations in the past, protestants contending that they have consistently violated the law in that they have been operating regularly between certain points without first obtaining a certificate. Applicants assert, however, that their operations have been irregular and casual.

Applicant Kelly testified that since he purchased the business of Hemet Transfer and Storage from Churchill in August, 1918, the business was conducted originally by himself, and later in connection with his two sons, until October, 1925, when he was arrested in Los Angeles for a violation of the Auto Stage and Truck Transportation Act. During this period applicants conducted a general trucking business, as previously described in this opinion, handling groceries, building materials, live stock, fruits, farm products and canned goods in season, and generally, all the commodities above mentioned. No regular schedules have been observed, the service having been conducted "on call." Mr. Kelly stated that in 1919 he submitted to Mr. Lemon, of the Commission's staff in Los Angeles, a proposed tariff, and after explaining the nature of his operations, was advised by Mr. Lemon that he was not subject to regulation by the Commission, the latter stating that applicants should discontinue operations unless hauling was conducted by the day, hour or trip, and that subject to such restrictions they could lawfully haul loads both to and from Los Angeles. Correspondence between the Commission and applicants and their attorneys indicates that in the month of April, 1919, applicants were advised that irregular or occasional trips between specific points would not fall within the provisions of the Auto Stage and Truck Transportation Act; and in 1923 applicants were advised that their operations were unlawful if they were handling freight in mixed loads, or in both directions, or otherwise than by the hour, trip or day, for but one individual at a time, and then only on occasional hauls. The advice given applicants by the Commission in April, 1919, was in

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accordance with the provisions of the statutory law as existent at such time; subsequently, however, the law was amended by the provisions of chapter 280, Statutes of 1919, such amendment becoming effective in August, 1919, and applicants have apparently relied entirely on advice given under the former statute as regards their subsequent operation.

In respect to the method of their operations, it appears that applicants have handled truck loads only, each load comprising the goods of but one shipper, except on a few occasions when the goods of several shippers were mingled in the same load. They have picked up several shipments and consolidated them into a single load where all such shipments were consigned to one person, who paid the freight charges. In many instances a truck carrying a load to Los Angeles or the harbor for one shipper has returned to Hemet with a load for another shipper, this practice being followed whenever loads could be obtained, since it would be impossible, so Mr. Kelly testified, for applicants to maintain their present rates if they were obliged to operate their trucks empty in one direction. About half of applicants' tonnage, aside from the local business, has comprised loads for three shippers, viz: groceries for Mr. Gauld, lumber for Mr. Spaulding, and canned goods for the Hemet Packing Company, the balance consisting of "odd jobs." But subject to the limitations stated, applicants have accepted all shipments offered.

In discussing the service to Los Angeles and the harbor, we have pointed out that between January 1 and October 1, 1925, applicants hauled 552.99 tons to Hemet and 795.42 tons from Hemet, or a total of 1348.41 tons. During the same period the trips to and from Los Angeles and the harbor aggregated 271, or an average of 4.97 tons per load. Between these points applicants hauled, in 1922, 2127 tons; in 1923, 1826 tons, and 1924, 2779 tons. The tonnage handled to other points, such as Ontario, Pomona, Cucamonga and Riverside, while considerably smaller, was substantial. It also appears that trips, particularly to Los Angeles and the harbor, were quite frequent, sometimes as often as five times a week.

There was considerable discussion as to applicants' rates, protestants contending that they were unduly low, and that because of unfair competition applicants had been able to develop a substantial tonnage. Protestants asserted that they were unable to meet these rates and operate at a profit. In 1922 and 1923 applicants' rate between Hemet and Los Angeles and the harbor was $7.00 per ton; in 1924 the rate was reduced to $5.40; and in 1925 it was still further reduced to $5.00 per ton. The rate proposed in the application is $5.60 per ton.

Applicants were unable to show their costs of operation, or their net income under these rates. In addition, the element of depreciation

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does not appear to have been included in the rate. Furthermore, applicants themselves have personally operated and repaired their trucks, allowing themselves salaries of $35 per week, thereby effecting a saving of higher current wages to drivers and mechanics. Under these circumstances they appear to have conducted their operations at a profit, since they have been able to increase their equipment from time to time in order to handle the business which has developed. It was admitted that their rates were depressed by competition with other truck lines and with the rail lines. Three of applicants' witnesses, including Mr. Gauld, stated that the low rates were an important factor in inducing them to patronize the applicants.

With respect to the service of existing carriers, some of the winesses called by applicants testified that a truck service was preferable to that afforded by the railroad, because of the convenience of direct pick-up and delivery; also, that the railroad was not suitable for handling emergency shipments of canned goods. In regard to the W. & S. Truck Company, some of these witnesses stated that it was satisfactory for small shipments, one witness stating that it had not solicited hauling of freight to the harbor until after applicants had stopped operations pursuant to Mr. Kelly's arrest, and another witness stated that Mr. Tibbits, the owner of this line, asserted he was not desirious of handling canned goods. As to the Hodge Transportation System, one of applicants' witnesses stated that it had not been used for emergency shipments, another said it was satisfactory for hauling fruit, while still another testified that occasionally shipments had been delayed due to the necessity of sending out trucks from Los Angeles to handle them.

The granting of this application was protested by the Motor Transit Company, Hodge Transportation System, Granger Truck Service, Bekins Van Lines, W. & S. Truck Company, American Railway Express Company, and The Atchison, Topeka and Santa Fe Railway Company.

The protest of Motor Transit Company was withdrawn upon applicants stipulating that they would not serve territory within the San Bernardino or San Jacinto mountains.

The Granger Truck Company hauls building materials between Hemet and Los Angeles under a certificate from this Commission. Its tariffs were offered, but no evidence as to the character of its service was submitted.

In respect to protestant, The Atchison, Topeka and Santa Fe Railway Company, it appears that a stipulation was made at the hearing relative to the service of this carrier, showing that shipments are promptly handled and can be delivered in Los Angeles on the afternoon of the

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day following their delivery to the freight house at Hemet, and that its rates on canned goods are lower than those offered by applicants.

In regard to the protestant, W. & S. Truck Company, it appears that it now operates two schedules a day between Hemet and Los Angeles, having an office at Hemet, and facilities in Los Angeles for the transfer of shipments to carriers serving other points, including Los Angeles harbor. It has four trucks and four trailers, and can purchase or lease additional equipment if required. This carrier handles milk principally, serving Los Angeles and Pasadena through its connections; it also handles other commodities, such as eggs, groceries, vegetables, and occasionally shipments of heavy machinery, such as pumps. Its schedule is, to a certain extent, circumscribed by the necessity for delivering milk to large dairies at a certain hour. Mr. Tibbits, on behalf of this protestant, testified that it could handle more tonnage, having vacant space available, particularly on return loads, and he estimated that he could haul all of applicants' daily business on two trucks and two trailers. His rates, so he stated, can not be further reduced, as they are lower than the present rail rates, and he further stated that it was useless to solicit business in Hemet because of the low rates charged by applicants. He testified that due to the competition between the applicants and Crawford & Churchill (operators in this territory) the rates have been forced to an extremely low level. Upon one occasion he warned applicant, F. E. Kelly, as to the illegal character of his operations, and threatened to take measures to stop him. Kelly informed him he would continue to operate, and would resist any proceedings brought against him.

Testifying on behalf of the protestant, Hodge Transportation System, Mr. F. M. Hodge stated that this protestant operated a trucking system embracing twelve different routes and covering a total distance of 900 miles, including a line between Hemet and Los Angeles and the harbor. The company uses about sixty pieces of equipment, including trucks and trailers, of which about half are owned by protestant and the remainder leased from Mr. Hodge. The company's equipment is heavily encumbered, while that owned by Mr. Hodge, so he testified, is subject to a claim for about $12,000. This equipment, he stated, is sufficient to serve the Hemet district notwithstanding the large territory embraced within the system. Facilities are maintained at the harbor to expedite the handling of freight, and this protestant is willing to open an office at Hemet provided sufficient traffic develops to warrant it. Commodities of all descriptions have been hauled, including agricultural products, fruit, walnuts and building material. He testified that this protestant could readily handle all of the tonnage moved by applicants, which, he stated, did not exceed ten tons daily.

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The rates maintained by protestant are higher than those of the applicants, it being impossible, in Mr. Hodge's opinion, to operate profitably at a rate of $5 per ton between Los Angeles and the harbor and Hemet. Because of rail competition, this protestant has reduced its rates, but can not cut them any lower. As it is, no dividends have been paid, and the company has passed through two reorganizations. He stated that the company's operating costs for handling a 3½-ton Packard truck and trailer, carrying an average revenue producing load of ten tons, based upon 500,000 miles of travel under all conditions, was 34.72 cents per truck-mile, or 3.47 cents per ton-mile. These figures are based upon comprehensive records, and include depreciation. For smaller loads, such as three tons, the operating costs per ton will be double the costs for a ten-ton load. Furthermore, operating costs have increased materially within the past two years. In Mr. Hodge's opinion, applicants can operate to the harbor at a lower cost than protestant, since applicants' overhead expenses are considerably less than those of protestant.

In rebuttal, Mr. H. E. Kelly, one of the applicants, testified that protestants could not handle all of applicants' traffic as readily as has been claimed, since applicants frequently have operated as many as five trucks and five trailers simultaneously.

It is apparent from the evidence that no sufficient showing was made to justify the operation of a truck service over all of the routes described in the amended application.

As to route No. 2, it was shown that none of the commodities mentioned in the application moved directly from Los Angeles or the harbor to San Jacinto. The same might be said as to the transportation of household goods between Hemet and points within a radius of ten miles, described in route No. 3.

As to route No. 4, wherein a certificate is sought authorizing the transportation of all commodities between Hemet and all points within a radius of twenty miles, the record shows that although there is a considerable production of fruit, walnuts, hay and grain, and live stock within this area and a demand for its transportation, no showing was made as to the need for transportation over any definite route or routes, or between any specified points. Therefore, under the ruling in the *Ben Moore* case (27 C. R. C. 388), no certificate can be granted as to this portion of the application.

The evidence dealing with route No. 5 shows that the movement of pipe from Los Nietos consisted of one shipment to meet an emergency, and there is no likelihood of any further need for transportation of this character.

With respect to route No. 7 dealing with the handling of live stock between Hemet and points within a radius of twenty miles, and Los

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Angeles, Riverside, Fontana, Pomona, Ontario and Colton, it appears that occasional shipments have been made, consisting principally of live stock to be exhibited at county fairs. These movements have occurred at long intervals, being casual and sporadic in character, and there appears to be no public demand for this service.

Accordingly the application will be denied as to routes numbers 2, 3, 4, 5 and 7.

Before discussing the showing made by the applicants regarding the need for transportation over routes numbers 1 and 6, we shall consider other matters which should be first disposed of.

The protestants strenuously contended that the Hemet Transfer has built up, and will continue to develop its business under unreasonably low rates which will prevent other carriers from participating in this transportation. In other words, they assert that applicants' rates are so low as to result in unfair competition. It is true, of course, that transportation rates should be maintained upon a plane sufficiently high to yield the carrier a reasonable return and permit it to continue the service which it undertakes to give the public; and it is also true that low rates charged by a competing carrier are not of themselves to be condemned unless they tend to impair or destroy the service to which the public is entitled. This may occur where the carrier's rates are so low that it can not hope to replace its equipment and in due time, when its trucks have worn out, it will be compelled to abandon the field; but in the meantime, it has enjoyed most of the business to the detriment of established carriers, whose rates are upon a reasonable basis. It is apparent, however, that applicants' proposed rates are not so low as to result in the impairment or destruction of their service. In the past they have operated profitably under rates lower than the rate proposed, and have substantially increased their equipment. And while it is true that their operating costs have been lower than those of protestants, this is an advantage to which they are legitimately entitled, and so long as their rates are sufficiently high to insure the continuation of their service, the public is entitled to the benefit of the lower rates which applicants have been enabled to establish. If other operators are unable to meet this competition, provided it is fair, it is due to their economic disadvantages, which the Commission is under no duty to equalize. The representative of the W. & S. Truck line testified generally as to his inability to meet the rates of applicants, but made no showing as to protestants' operating costs. Mr. Hodge testified that the records of the Hodge Transportation System had shown the operating costs of a truck and trailer carrying a revenue paying load of ten tons to be 34.72 cents per truck mile. Between Hemet and the harbor, a distance of approximately 120 miles, this cost would be $41.66 or $4.17 per ton, assuming that the equipment carried

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a load in each direction, as has been the case with applicants. This cost, he stated, would be higher for a lighter load, but he conceded that applicants' overhead costs were much lower than those of the Hodge Transportation System. This showing, therefore, does not indicate that the $5.60 rate proposed by applicants will be unduly low.

All other factors being equal, and assuming that there is a public need for the service not supplied by protestants, we believe that the public should not be deprived of the benefit of lower rates because the protestants are unable to meet them.

Dealing now with route No. 1, namely, the transportation of all commodities between Hemet and Los Angeles and the harbor, it appears, as we have stated, that there is a demand for the movement of freight in considerable volume between these points. This service cannot be supplied by the railroads because of the superior facilities of a trucking service with respect to the direct pick-up and delivery of shipments. The protestant, W. & S. Truck Company, has not supplied this demand, it apparently having specialized largely in the transportation of milk from Hemet, thereby utilizing most of its available space; and although it may be able to handle shipments upon return trips, we believe the public is entitled to the benefit of a service which will accommodate shipments moving in both directions. The Hodge Transportation System has about 30 trucks and 30 trailers to serve a system approximately 900 miles in extent, one-half of this equipment being owned by Mr. Hodge personally, and that portion owned by the company being heavily encumbered. To accommodate the route between Hemet and Los Angeles and the harbor, protestants propose to use 11 trucks and 6 trailers. We believe that they are in a better position to perform this service than the Hodge Transportation System. But the record does not show the need for service to the territory surrounding Hemet, within a radius of ten miles.

With respect to route No. 6, the evidence shows that during the packing and canning seasons there is a necessity for the transportation of surplus stocks from the canneries and packing houses at Hemet to those situated at Ontario, Pomona, Cucamonga and Riverside. This is particularly true because of the urgent need for promptly canning and disposing of these commodities, which are highly perishable. The testimony does not indicate any route or routes over which these commodities may be transported to Hemet from the surrounding territory within a radius of twenty miles, consequently, the application can not be granted to this extent. However, in all other respects we believe the need has been shown for applicants' operation over this route.

In view of what has been said, the application will be granted in part as to both routes Nos. 1 and 6, radial operations being excluded

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in view of our decision *In re Ben Moore, supra.* In all other respects, the application will be denied.

Upon full consideration of the evidence, we are of the opinion, and find as a fact, that public convenience and necessity require the operation by F. E. Kelly, H. E. Kelly and L. N. Kelly, as copartners operating under the fictitious name and style of Hemet Transfer and Storage, of an automotive truck service for the transportation of property as a common carrier over the following routes:

1. For the transportation of all commodities between Hemet on the one hand, and Los Angeles and Los Angeles harbor points on the other hand, but not between intermediate points.

2. For the transportation of fresh fruits (citrus and deciduous) and canned goods from packing houses and canneries at Hemet, on the one hand, to packing houses and canneries at Ontario, Pomona, Cucamonga and Riverside, respectively, on the other hand.

And we further find that public convenience and necessity do not require the operation by said applicants of an automotive freight service for the transportation of any property over any or all of the routes designated in the preceding opinion and in the amended application as routes numbers 2, 3, 4, 5 and 7.

An order will be entered accordingly.

ORDER.

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised, and basing its order upon the findings of fact which appear in the opinion preceding this order:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by F. E. Kelly, H. E. Kelly and L. N. Kelly, copartners operating under the fictitious name and style of Hemet Transfer and Storage, of an automotive truck service for the transportation of property as a common carrier over the following routes:

1. For the transportation of all commodities between Hemet on the one hand, and Los Angeles and Los Angeles harbor points on the other hand, but not between intermediate points.

2. For the transportation of fresh fruits (citrus and deciduous) and canned goods from packing houses and canneries at Hemet, on the one hand, to packing houses and canneries at Ontario, Pomona, Cucamonga and Riverside, respectively, on the other hand.

It is hereby ordered, that a certificate of public convenience and necessity be and the same is hereby granted to said F. E. Kelly, H. E. Kelly and L. N. Kelly, as copartners operating under the fictitious

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name and style of Hemet Transfer and Storage, authorizing the operation of the service hereinabove described, subject to the conditions hereinafter set forth.

The Railroad Commission of the State of California hereby further declares that public convenience and necessity do not require the operation by said applicants last herein described of an automotive truck service for the transportation of property over any or all of the routes designated in the preceding opinion and in the amended application as routes numbers 2, 3, 4, 5 and 7.

It is hereby further ordered, that the application herein, as amended, be and the same is hereby denied with respect to the authority sought for permission to operate over said routes designated therein as routes numbers 2, 3, 4, 5 and 7.

The authority herein granted is subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten days from the date hereof; shall file, in duplicate, a tariff of rates and time schedules in a form satisfactory to the Commission, within a period of not to exceed twenty days from the date hereof, and shall commence the operation of the service herein authorized within a period of not to exceed thirty days from the date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this twenty-ninth day of October, 1926.

DECISION NO. 17542.

IN THE MATTER OF THE APPLICATION OF THOUSAND OAKS WATER COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A PUBLIC UTILITY WATER SYSTEM AT THOUSAND OAKS, VENTURA COUNTY, CALIFORNIA.

Application No. 13111.

IN THE MATTER OF THE APPLICATION OF THOUSAND OAKS WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO PURCHASE CERTAIN WATER WORKS AND ISSUE CAPITAL STOCK IN PAYMENT FOR SAME.

Application No. 13112.

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Decided October 29, 1926.

CERTIFICATE—TRANSFER—WATER UTILITY—RATES—STOCK—TO ISSUE.—Thousand Oaks Water Company authorized to purchase a water system in the vicinity of Thousand Oaks, Ventura County, formerly operated by L. M. Culver et al., and a certificate issued to said company to operate the same. Applicant authorized to issue $38,100 of stock in payment therefor. Rates established.

Hugh Gordon, for Applicant.

BY THE COMMISSION.

OPINION.

In Application No. 13111 Thousand Oaks Water Company asks the Commission to issue to it a certificate of public convenience and necessity authorizing it to operate the system for the distribution of water described in Application No. 13112 as a public utility in the territory described in applicant's Articles of Incorporation and shown on the map filed as applicant's Exhibit "C," and to supply water to domestic consumers within said territory at the price of 40 cents per 100 cubic feet with a minimum charge of $1 per month with each installation. In Application No. 13112 Thousand Oaks Water Company asks permission to issue $37,600 par value of its common capital stock in payment for the properties to which reference will be made hereafter and to issue $500 of its stock to its directors and use the proceeds for the purpose of paying organization expenses and attorney's fees.

At the hearing had on September 27th before Examiner Fankhauser, the two above entitled matters were consolidated for hearing and decision.

Thousand Oaks Water Company was organized on or about June 23, 1926, with an authorized capital stock of $50,000 divided into 500 shares of the par value of $100 each. Under its articles of incorporation, a copy of which is on file in Application No. 13112 as applicant's Exhibit "A," the company is authorized to distribute, sell, lease and otherwise dispose of water and water rights to customers and consumers within the following described tract of land and not elsewhere, viz:

> That part of the "E. S. Newberry Tract No. 4," as shown upon the map entitled, "Map of Partition survey of Rancho El Conejo, Ventura County, California," and recorded in book I of deeds, at page 746, particularly described as follows:
>
> All of section 14, south half (S. ½) of section 11, south half (S. ½) of North half (N. ½) of section 11, east half (E. ½) of section 15, southeast quarter (SE. ¼) of section 10, south half (S. ½) of northeast quarter (NE. ¼) of section 10, all in township 1 north, range 19 west, S. B. M., Ventura County, California.

The territory within which applicant intends to distribute water is also indicated in the map filed as applicant's Exhibit "C" in Application No. 13112.

It is of record that L. M. Culver, M. E. Culver and S. Meyers are the

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equitable owners and the Hellman Commercial Trust and Savings Bank, trustee, is the legal owner of a large tract of land known as Thousand Oaks in Ventura County, California, fronting on Ventura Boulevard and situated about half way between the city of Los Angeles and the city of Ventura; that said parties are also the owners of two water wells located on the land and certain pumps, machinery and distribution mains of a reported value of at least $37,687.33. This amount consists of the following items:

Intangible capital—		
Water rights	$500 00	
Easements	1,000 00	
Total intangible capital		$1,500 00
Tangible capital—		
Source of supply lands	$2,700 00	
Pump stations buildings	1,317 96	
		4,017 96
Source of supply—		
Wells		828 00
Pumping equipment		2,297 86
Transmission and distribution—		
Transmission main	$3,680 50	
Distribution main	18,860 16	
Distribution main (under construction, est.)	2,125 00	
Tanks and standpipes, 4	2,180 60	
Service connections	1,411 00	
		28,257 26
Equipment on hand (not installed)		786 25
Total		$37,687 33

The reported cost is found reasonable for the purpose of this proceeding by F. H. Van Hoesen, an assistant engineer for the Commission.

The record further shows that for about three years last past the above mentioned parties have, from the wells which the company desires to purchase, supplied water for domestic purposes free of charge to the various families in the vicinity of Thousand Oaks. They have caused to be organized Thousand Oaks Water Company and propose to sell the water system to said company. The company desires permission to issue stock in payment for the properties and to engage as a public utility in the production, sale and distribution of water within the tract of land described in applicant's articles of incorporation.

The testimony shows that there are now sixty-four consumers who obtained their water supply from the water system which applicant intends to acquire. During the current year all of the services have been metered. There has been filed in this proceeding a record of the consumption of water for the month ending September 24, 1926. The statement on file shows that during the month 30,830 cubic feet of

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water were consumed and that if the rates which applicant proposes to charge had been in effect it would have charged $143.76. We are of the opinion that certain adjustments should be made in the rates proposed by applicant and the order herein will establish the rates which applicant will be permitted to charge. In determining such rates consideration was given to the fact that the water system which applicant intends to acquire is constructed to serve more consumers than now connected with said system.

The testimony of a number of the consumers shows that the service which they have been receiving heretofore has been unsatisfactory. The record, however, indicates that this poor service is largely due to the fact that the consumers' services were not metered, with the result that frequently those living near the source of supply obtained all the water. It is of record that since the company has installed meters they have been obtaining an adequate supply of water.

ORDER.

Thousand Oaks Water Company having applied to the Railroad Commission for a certificate of public convenience and necessity and for an order fixing rates and authorizing the issue of $38,100 par value of its common capital stock, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of such stock is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income in so far as the issue of said stock is concerned, and that the above entitled applications should be granted as herein provided; therefore,

The Railroad Commission of the State of California hereby declares that present and future public convenience and necessity require and will require that Thousand Oaks Water Company, a corporation, acquire and operate the water system referred to herein as a public utility in the territory referred to in the foregoing opinion.

It is hereby ordered, that Thousand Oaks Water Company be and it is hereby directed to file with the Commission within twenty days from the date of this order the following schedule of rates to be charged for all services rendered subsequent to the effective date hereof:

Minimum Monthly Charges.

⅝" x ¾" meter	$1 50
¾" meter	2 00
1" meter	3 00
1½" meter	5 00
2" meter	7 50
3" meter	12 00

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Each of the foregoing minimum monthly charges will entitle the consumers to the quantity of water which the minimum monthly charge will purchase at the following monthly meter rates:

Monthly Meter Rates.

From	0 to 1000	cubic feet per 100 cubic feet	30 cents
From	1000 to 2000	cubic feet per 100 cubic feet	25 cents
From	3000 to 6000	cubic feet per 100 cubic feet	20 cents
From	6000 to 10000	cubic feet per 100 cubic feet	15 cents
Over	10000	cubic feet per 100 cubic feet	12 cents

It is hereby further ordered, that Thousand Oaks Water Company be and it is hereby directed to file with the Railroad Commission within thirty days from the date of this order rules and regulations governing the distribution of water to consumers, such rules and regulations to become effective upon their acceptance by this Commission.

It is hereby further ordered, that Thousand Oaks Water Company be and it is hereby authorized to issue on or before January 1, 1927, at not less than par not exceeding $37,600 of stock in payment for the properties referred to in this application and to issue and sell on or before January 1, 1927, at not less than par $500 of stock and use the proceeds to pay organization expenses and provide itself with working capital.

The authority herein granted is subject to the following conditions:

1. Thousand Oaks Water Company shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

2. The authority herein granted will become effective twenty days after the date hereof.

Dated at San Francisco, California, this twenty-ninth day of October, 1926.

DECISION No. 17543.

IN THE MATTER OF THE APPLICATION OF THE HOME TELEPHONE COMPANY OF COVINA, A CORPORATION, FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF TWENTY-FIVE THOUSAND DOLLARS PAR VALUE OF ITS GENERAL REFUNDING SIX PER CENT BONDS, SEVENTY THOUSAND DOLLARS PAR VALUE OF ITS PREFERRED CAPITAL STOCK AND FIFTY-FIVE THOUSAND DOLLARS PAR VALUE OF ITS COMMON STOCK.

Application No. 13157.

Decided October 29, 1926.

SECURITIES—STOCK AND BONDS—TO ISSUE.—Application granted.

Loyd Wright, for Applicant.

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BY THE COMMISSION.

OPINION.

The Home Telephone Company of Covina asks permission to issue $25,000 of its general refunding 6 per cent bonds due September 1, 1923; to issue $70,000 of its 7 per cent preferred stock, and to issue $55,000 of its common stock. It intends to issue and sell forthwith $10,000 face value of the bonds at $96, and accrued interest; $20,000 par value of the preferred at $100 per share and $20,000 par value of the common stock at $105 per share for the purpose of paying indebtedness and providing itself with moneys to construct extensions, additions and betterments to its properties. The remainder of the stock and bonds it intends to sell from time to time to provide itself with funds to pay 1927 and subsequent construction expenditures. The Commission will hereafter fix the price at which said remainder of bonds and stock may be sold.

Home Telephone Company of Covina has an authorized capital stock issue of $600,000 divided into 6000 shares of the par value of $100 each of which 3000 shares are common and 3000 preferred stock. It is of record that there is now outstanding $175,000 of stock consisting of $56,800 of preferred and $118,200 of common. The company's funded debt is reported at $258,300 consisting of $178,300 of first refunding bonds and $80,000 of general refunding bonds. The company has also outstanding $20,000 of 7 per cent notes issued for the purpose of obtaining moneys to pay construction expenditures. It is these notes that applicant intends to pay through the issue and sale of bonds, preferred and common stock. The testimony of F. H. Wright, secretary of applicant corporation, shows that the company is about to undertake the enlargement of its telephone system in its Glendora District. It is estimated that the cost of the improvements in that district will be in excess of $28,000. The necessity for the enlargement is brought about by the increase in the number of the company's subscribers in such district. It is also of record that the company will be called upon to expend additional sums in other parts of its system to provide adequate telephone facilities to existing subscribers and to new subscribers. While the company has submitted a statement in which it reports estimated construction expenditures of $108,195.50, exclusive of the expenditures in the Glendora district, it has not submitted any detail figures. It reports that as it proceeds with the construction, it will file supplemental petitions herein for permission to sell part of the stock and bonds applied for and use the proceeds to finance construction expenditures set forth in said supplemental petitions.

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ORDER.

Home Telephone Company of Covina having applied to the Railroad Commission for permission to issue the bonds and stock referred to in the opinion which precedes this order, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that the money, property or labor to be procured or paid for by the issue and sale of such bonds or stock as is herein authorized is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, as follows:

1. Home Telephone Company of Covina be and it is hereby authorized to issue not exceeding $25,000 of its general and refunding 6 per cent bonds maturing on September 1, 1953, and sell not exceeding $10,000 of said bonds at not less than 96 per cent of their face value and accrued interest.

2. Home Telephone Company of Covina may issue not exceeding $70,000 of its 7 per cent preferred stock and sell at not less than par $20,000 of said stock and issue $55,000 of its common stock and sell not exceeding $20,000 of said common stock at not less than $105 per share.

3. Home Telephone Company of Covina may use an amount equal to not exceeding $3.50 per share of stock sold to pay expenses incident to the sale of its preferred and common stock herein authorized to be sold and may use the accrued interest for general corporate purposes.

4. Home Telephone Company of Covina shall use the proceeds obtained from the sale of its bonds, other than accrued interest, and the proceeds obtained from the sale of preferred and common stock, herein authorized to be sold, other than $3.50 per share mentioned in the preceding paragraph, to pay notes, enlarge and reconstruct its telephone system in its Glendora District and pay for extensions, additions and betterments to its telephone system elsewhere. Any proceeds not needed for any of the foregoing purposes may be expended only for such purposes as the Commission will hereafter authorize by a supplemental order.

5. The authority herein granted to issue bonds will become effective when the fee prescribed by section 57 of the Public Utilities Act, which fee is $25, has been paid.

6. The authority herein authorized to issue stock and sell the amounts of stock herein indicated will become effective upon the date hereof.

7. Home Telephone Company of Covina shall keep such record of the issue and sale of the stock herein authorized and of the dispo-

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sition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

8. Of the bonds herein authorized to be issued $15,000 of the preferred stock $50,000, and of the common stock $35,000, may be sold only after the Commission has fixed the minimum price at which said stock and bonds, or any part thereof, may be sold, and authorized the use of the proceeds obtained from the sale of said bonds and stock.

Dated at San Francisco, California, this twenty-ninth day of October, 1926.

Decision No. 17544.

IN THE MATTER OF THE APPLICATION OF PASADENA-OCEAN PARK STAGE LINE, INC., TO PURCHASE, AND T. C. GILLESPIE TO SELL, FOUR AUTOMOBILE STAGE LINES, TO WIT: THE LINE OPERATED BETWEEN PASADENA AND OCEAN PARK IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, KNOWN AS PASADENA-OCEAN PARK STAGE LINE; A LINE OPERATED BETWEEN LOS ANGELES AND PASADENA AND MOUNT WILSON IN SAID COUNTY AND STATE KNOWN AS MOUNT WILSON STAGE LINE; A LINE OPERATED BETWEEN PASADENA AND SWITZER'S RELAY IN SAID COUNTY AND STATE, KNOWN AS ARROYO SECO STAGE LINE; AND A LINE OPERATED BETWEEN CULVER CITY AND UNIVERSAL CITY IN SAID COUNTY AND STATE KNOWN AS THE STUDIO STAGE LINE; AND SAID PASADENA-OCEAN PARK STAGE LINE, INC., TO ISSUE AND SELL CERTAIN SHARES OF ITS CAPITAL STOCK.

Application No. 13174.

Decided October 29, 1926.

TRANSFER—CERTIFICATE—AUTO STAGES—STOCK—TO ISSUE.—T. C. Gillespie authorized to transfer to Pasadena-Ocean Park Stage Line, Inc., operative rights, and the latter authorized to issue $189,000 of common stock in payment therefor, and to assume $153,364.33 of indebtedness.

Elmer P. Bromley and *V. L. Ferguson*, by *V. L. Ferguson*, for Applicants.

BY THE COMMISSION.

OPINION.

In this proceeding the Railroad Commission is asked to make an order authorizing T. C. Gillespie to transfer certain operative rights, stage equipment and properties, to which reference is made hereinafter, to the Pasadena-Ocean Park Stage Line, Inc., and to authorize the Pasadena-Ocean Park Stage Line, Inc., to issue $294,400 of common stock and sell the same upon the terms outlined in the application or upon such terms as the Commission may determine, and use the proceeds to pay for the properties which it intends to acquire from T. C. Gillespie, and to pay indebtedness.

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The operative rights which T. C. Gillespie asks permission to transfer to the Pasadena-Ocean Park Stage Line, Inc., were granted by the Commission in the following decisions and proceedings:

Line No. 1. This passenger line, known as the Pasadena-Ocean Park Stage Line is operated between Pasadena and Ocean Park. The operating right to operate the line was originally granted to one Harry Wilson by the Railroad Commission in its Decision No. 6962, dated December 19, 1919, in Application No. 4777, which operating right was in Decision No. 9337 dated August 9, 1921, in Application No. 7062 authorized by the Railroad Commission to be sold and transferred to N. A. Webb, F. S. Hendricks and D. E. Hamilton, who in turn were authorized by Decision No. 14951, dated May 21, 1925, in Application No. 11107, to transfer said operating right to T. C. Gillespie, applicant herein.

Line No. 2. This is a line for the carriage of freight, express and passengers operated between Los Angeles and Pasadena and Mt. Wilson and is known as the Mt. Wilson Stage Line. The freight and express operating rights were granted to N. A. Webb and F. S. Hendricks by the Railroad Commission in its Decision No. 10121, dated February 24, 1922, in Applications Nos. 7469 and 7470. The rights to transport passengers on said line were acquired by Webb and Hendricks by reason of operations prior to May 1, 1917. By Decision No. 16455, dated April 9, 1926, in Application No. 12691 the Commission authorized the aforesaid operating rights to be transferred to T. C. Gillespie, applicant herein.

Line No. 3. This line is known as the Arroyo Seco Stage Line and is operated for the purpose of transporting passengers and express between Pasadena and Switzer's relay, Los Angeles County. The operating rights were originally granted to N. A. Webb and F. S. Hendricks by the Railroad Commission in Decision No. 6618, dated August 29, 1919, in Application No. 4864. By Decision No. 16454, dated April 9, 1926, in Application No. 12690, said Webb and Hendricks were authorized to transfer the operating rights to T. C. Gillespie, applicant herein.

Line No. 4. This line is known as the Studio Stage Line and is operated between Culver City and Universal City in Los Angeles County and was originally operated in part by one George A. Mason under a license of the board of public utilities of the city of Los Angeles over the following routes in said city:

Cahuenga to Selma, to Vine, to Sunset; Sunset to Cahuenga, to Universal City.

On June 29, 1926, the board of public utilities authorized George A. Mason to transfer the operating rights to T. C. Gillespie, applicant herein. By Decision No. 16949, dated June 17, 1926, in Application

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No. 12610, the Commission authorized T. C. Gillespie to consolidate said operating rights with the operating rights from Hollywood boulevard in the city of Los Angeles to Culver City, which latter operating rights were granted to T. C. Gillespie by Decision No. 16949.

The Pasadena-Ocean Park Stage Line, Inc., which intends to acquire the aforesaid operating rights, does not ask to consolidate said rights for operating purposes.

Pasadena-Ocean Park Stage Line, Inc., was organized on or about January 15, 1926, with an authorized capital stock of $500,000 divided into 5000 shares of the par value of $100 each, of which 2000 shares represents 8 per cent cumulative preferred stock and 3000 shares, common stock. Under the terms of the company's articles of incorporation the preferred stock is entitled to dividends at the rate of 8 per cent per annum before any dividends can be paid upon the common stock. Furthermore, the preferred stock may be redeemed at the option of the company at $105 per share. In this application the company does not ask permission to issue any preferred stock, and the authority herein granted should not be construed as in any way passing upon the propriety of providing at this time for an 8 per cent preferred stock redeemable at $105 per share.

Applicants have submitted statements in which they report the original cost of the equipment and properties which T. C. Gillespie intends to transfer to the Pasadena-Ocean Park Stage Line, Inc., and the present value of such properties.

The following tabulation is a summary of the different statements submitted and shows the present value of the properties allocated to the different stage lines:

Item	Line 1 Pasadena-Ocean Park	Line 2 Mt. Wilson	Line 3 Arroyo Seco	Line 4 Studio	Total
Busses	$143,900 00	$25,000 00	$5,000 00	$4,000 00	$177,900 00
Fare boxes, etc.	2,303 54				2,303 54
Materials	4,678 44	160 29			4,838 73
Driver's supplies	384 81				384 81
Prepayments	2,577 10	113 02	24 90	210 10	2,925 12
Tires	8,731 31	1,932 12	307 02		10,970 45
Improvements on leased property	656 84	1,125 41	320 00		2,102 25
Machinery	2,893 10				2,893 10
Furniture	1,853 09				1,853 09
Lease value	14,500 00	7,250 00	7,250 00		29,000 00
Accounts receivable	6,762 93	1,306 94	450 16	1 00	8,521 03
Organization	6,931 95	1,189 12	638 13	952 48	9,711 68
Cash	3,670 05				3,670 05
Subtotals	$199,843 16	$38,076 90	$13,990 21	$5,163 58	$257,073 85
Less indebtedness	131,360 18	15,427 31	5,155 18	1,421 66	153,364 33
Balance	$68,482 98	$22,649 59	$8,835 03	$3,741 92	$103,709 52
Good will	25,000 00	10,000 00	5,000 00	4,000 00	44,000 00
Net totals	$93,483 98	$32,649 59	$13,835 03	$7,741 92	$147,709 52

The equipment consists of thirty-five stages having a seating capacity from seven to twenty-nine and having a reported present value rang-

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ing from $750 to $11,200, a Mack truck and a Cadillac service car. The net present value of the properties, as reported by applicants, is $147,709.52. It will be noted, however, that in arriving at this net value the company has included an alleged value of $29,000 for leases, $9,711.68 for organization and $44,000 for good will, and deducted indebtedness in the sum of $153,364.33. To acquire properties valued by applicants at $147,709.52, Pasadena-Ocean Park Stage Line, Inc., asks permission to issue $173,800 of stock.

Applicant corporation asks permission to issue and sell stock at 85 per share net to realize $100,000 which it will use to pay part of the $153,364.33 of indebtedness. The debt so to be paid represents balances due on contracts covering the purchases of lines one, two and three by T. C. Gillespie. The payments become due on or before October 30, 1929. It is not the intention of the corporation to anticipate any of the payments but to sell stock from time to time as payments become due. On a basis of 85, the corporation would have to sell about $117,700 of stock to realize $100,000.

It is alleged in the petition that applicant corporation will have to incur an expenditure of $2,500 for the purpose of paying organization expenses, promotion expenses, and expenses of this proceeding. Applicant asks permission to issue enough stock at 85 to realize $2,500. This request calls for the issue of approximately $2,900 of stock. The corporation also asks permission to issue six shares of its stock to qualify its directors. We believe that these shares should constitute a part of the stock which the corporation asks permission to issue and sell for organization and promotion service.

No evidence was submitted in support of an alleged value of $9,711.68 for organization. To support the $29,000 lease value, evidence was submitted to show that it would likely cost applicants from $350 to $500 per month to duplicate their present depot facilities at Pasadena, for which only a nominal rental is paid. The lease expires December 31, 1928. In regard to the $44,000 value assigned to good will, it is alleged that T. C. Gillespie has operated the various lines in an efficient manner, has built up a favorable impression with, and lucrative patronage from, the traveling public, and that the lines have a valuable and tangible asset in the way of good will and going business value which could not be acquired by a new operator except by an expenditure of $44,000. The amount is not based on any calculation, but represents an estimate of the value of good will.

The financial statements submitted in this proceeding show that every line has been operated at a loss during such time as it was operated by T. C. Gillespie. The 1925 reports on file with the Commission likewise show a loss from operation. While it is true that the testimony shows that the business of the several lines has been

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increasing under T. C. Gillespie's ownership, the increase has not been sufficient to offset the operating expenses and interest charges. We feel that both the values submitted and the amount of stock which applicant corporation asks permission to issue are excessive and unreasonable. For the purpose of this proceeding we will not recognize the organization, lease or good will values submitted by applicants. We are of the opinion that the capitalization of the properties should be on a conservation basis. With this same end in view we believe that any stock issued to T. C. Gillespie in payment for properties should be accepted by him at par, and that any stock sold to pay debts should be sold at par.

The order herein will authorize the company to issue $189,000 of stock and fix the purposes for which such stock may be issued.

ORDER.

Application having been made to the Railroad Commission for an order authorizing T. C. Gillespie to transfer operative rights and properties to the Pasadena-Ocean Park Stage Line, Inc., and authorizing said corporation to issue $294,400 par value of its common capital stock, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that said corporation should be permitted to issue not exceeding $189,000 of stock for the purposes hereinafter stated, and that the money, property or labor to be procured or paid for by such issue is reasonably required by applicant and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and the Commisson being further of the opinion that the transfer of the operative rights to the properties herein referred to should be authorized and that this application inasmuch as it involves the issue of $105,400 of stock should be denied; therefore,

It is hereby ordered, that T. C. Gillespie be and he is hereby authorized to transfer to the Pasadena-Ocean Park Stage Line, Inc., the operative rights and properties described in the opinion which precedes this order.

It is hereby further ordered, that the Pasadena-Ocean Park Stage Line, Inc., be and it is hereby authorized to acquire on or before January 1, 1926, said operative rights and properties, and issue and deliver in payment therefor $75,000 of stock and assume the payment of indebtedness of not exceeding $153,364.33.

It is hereby further ordered, that Pasadena-Ocean Park Stage Line, Inc., if it acquires the aforesaid properties, be and it is hereby authorized to issue and sell on or before October 30, 1929, at not less than par $114,000 par value of its common capital stock and use of the proceeds, if necessary, an amount not exceeding $10 per share to pay

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expenses incident to the sale of such stock. Of the remaining proceeds $2,500 may be used to pay organization expenses, and expenses incident to this proceeding, and the balance shall be used by applicant corporation to pay indebtedness which it is herein authorized to assume.

The authority herein granted is subject to further conditions as follows:

1. T. C. Gillespie, doing business under the firm name and style of the stage lines referred to herein, shall cancel immediately all tariffs heretofore filed by him with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission, and Pasadena-Ocean Park Stage Line, Inc., shall file immediately new tariffs in duplicate in its own name, such tariffs to be identical with those heretofore filed by T. C. Gillespie.

2. The rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred or assigned unless written consent of the Railroad Commission has first been secured.

3. No vehicle may be operated by Pasadena-Ocean Park Stage Line, Inc., unless such vehicle is owned by it or is leased under a contract or agreement on a basis satisfactory to the Commission.

4. The authority herein granted will become effective upon the date hereof.

5. Pasadena-Ocean Park Stage Line, Inc., shall keep such record of the issue, sale and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twenty-ninth day of October, 1925.

DECISION No. 17545.

IN THE MATTER OF THE APPLICATION OF CITY TRANSFER AND STORAGE COMPANY FOR AUTHORITY TO EXECUTE A NOTE.

Application No. 13203.

Decided October 29, 1926.

SECURITIES—NOTE—TO ISSUE.—Application granted.

BY THE COMMISSION.

OPINION AND ORDER.

City Transfer and Storage Company, a corporation, asks permission

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to execute a note, secured by deed of trust, in the principal amount of $24,507.

It appears that City Transfer and Storage Company is engaged in the general warehouse and storage business in Long Beach and in the transportation of goods in and between Long Beach and Los Angeles. This application shows that on September 18, 1923, the corporation executed a deed of trust and issued its note to California Security Loan Corporation for $30,000 payable in 121 monthly installments with interest at the rate of 8.4 per cent per annum, final payment being due September 8, 1933. The company reports that the note was executed to provide the cost of erecting a garage and freight terminal in Long Beach used in both its utility and nonutility operations. At present approximately $24,507 is due on the indebtedness.

The issue of the note was not authorized by this Commission. It is recited in the petition, however, that failure to obtain such authority was not the result of any attempt or intent to evade the law but was due to ignorance on the part of the company of the provisions of the Public Utilities Act relating to the issue of securities. Upon having its attention called to these provisions it filed this application for permission to issue a new note, to be dated September 18, 1926, to refund the balance due.

A public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that the money, property or labor to be procured or paid for through the issue of the note is reasonably required by applicant for the purpose specified herein, and that the expenditures are not in whole or in part reasonably chargeable to operating expenses or to income and that this application should be granted as herein provided;

It is hereby ordered, that City Transfer and Storage Company be and it hereby is authorized to execute a deed of trust, substantially in the same form as that filed with the application herein, and to issue its note in the principal amount of approximately $24,507, dated September 18, 1926, and payable on or before September 18, 1933, with interest at not exceeding 8.4 per cent per annum, for the purpose of refunding the balance due on the $30,000 of indebtedness represented by the note herein referred to and dated September 18, 1923, to California Security Loan Corporation.

The authority herein granted is subject to the following conditions:

(1) The authority herein granted to execute a deed of trust is for the purpose of this proceeding only and is granted only in so far as the Commission has jurisdiction under the terms of the Public Utilities Act and the Auto Stage and Truck Transportation Act, and is not intended as an approval of said deed of trust as to such other legal requirements to which said deed of trust may be subject.

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(2) Applicant shall keep such record of the issue and delivery of the note herein authorized as will enable it to file, within thirty days thereafter, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(3) The authority herein granted shall become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act and section 6 of the Auto Stage and Truck Transportation Act, which fee is $25.

Dated at San Francisco, California, this twenty-ninth day of October, 1926.

DECISION No. 17565.

IN THE MATTER OF THE APPLICATION OF THE MAGNOLIA FARMERS TELEPHONE COMPANY FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING IT TO FILE RATES, SERVICE CONNECTION CHARGES, MOVES AND CHANGES CHARGES AND OTHER RULES AND REGULATIONS GOVERNING SERVICE.

Application No. 12586.

Decided October 30, 1926.

RATES—TELEPHONE UTILITY—SERVICE CHARGES—MOVES AND CHANGES.—Magnolia Farmers Telephone Company authorized to file rates and charges governing service, moves and changes of equipment.

Wm. Wilcox, for Applicant Magnolia Farmers Telephone Company.
C. H. Button, for Lindsay Home Telephone and Telegraph Company.
Ernest Irwin, for California Independent Telephone Association.

BY THE COMMISSION.

OPINION.

In this proceeding Magnolia Farmers Telephone Company, hereinafter called applicant, an incorporated company, furnishing telephone service in the town of Strathmore and vicinity, is requesting an order of the Railroad Commission authorizing it to file rates applicable to service rendered by it and to file and make effective service connection charges, moves and changes charges and other rules and regulations governing the furnishing of service similar to rules and regulations on file with this Commission by other telephone utilities operating within the state.

A public hearing was held in this matter before Examiner Satterwhite, in the town of Lindsay, on September 15, 1926, at which time and place the matter was submitted.

Applicant, Magnolia Farmers Telephone Company, is engaged in furnishing telephone service in the town of Strathmore and surrounding territory on ten-party lines connected to the Lindsay central office of the Lindsay Home Telephone and Telegraph Company. Applicant

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does not own or maintain a telephone central office, but secures switching service to and from and between its lines from the Lindsay Home Telephone and Telegraph Company. Applicant owns and maintains its lines to the primary rate area of the Lindsay exchange from which connection to the central office is made over lines owned and maintained by the Lindsay Home Telephone and Telegraph Company.

The rates now being charged by applicant for ten-party line service are $9 per year for shareholders, payable annually in advance or in quarterly installments, and $2.50 per month for business service and $2 per month for residence service furnished to nonshareholders. Applicant furnishes wall type telephones to nonshareholders at the above rates and out of the revenues received therefrom pays to the Lindsay Home Telephone and Telegraph Company its scheduled rates for the switching service performed by it. Each shareholder is required to own his telephone instrument and to pay the charges for exchange switching directly to the Lindsay Company. Battery renewals are made by applicant for all of its subscribers. Toll collections are made by the Lindsay Company. It should be noted that nonshareholders are required to pay exchange rentals to applicant and toll bills to Lindsay Company while shareholders pay both exchange rentals and toll bills to Lindsay Company. It appears that a more satisfactory arrangement would be for applicant to make all collections from its subscribers and enter into a contract with the Lindsay Company which would provide that applicant should receive a reasonable compensation for such work performed by it.

The furnishing of telephone service to shareholders and nonshareholders at different rates for like service constitutes a discriminatory practice which should be removed at this time and the order herein will so provide. It appears that inequalities in service will exist as long as certain subscribers continue to own their telephone instruments. It appears advisable that applicant remove these inequalities by acquiring ownership of all telephones and appurtenances thereto and applying its regular rates to all subscribers within the area served.

Applicant sets forth, in the form of an exhibit, a map of the territory in which it desires to furnish telephone service and no objections having been entered, the allotment of territory will be in accordance with this request.

There appears no good reason why applicant should not now file rules and regulations governing its telephone service.

ORDER.

The Magnolia Farmers Telephone Company having requested the Railroad Commission for an order authorizing it to file rates, rules and regulations applicable to service connection and restoration charges

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and charges for moves and changes, and for such other relief as the Commission may find necessary, a hearing having been held, the matter having been submitted and being now ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the rates now being charged by applicant in so far as they differ from the rates hereinafter set forth are unjust and unreasonable and that the rates herein established and shown in Exhibit "A" attached hereto are reasonable for services furnished under the conditions set forth in the opinion preceding this order and that applicant should file a map of its territory as shown in Exhibit "B" attached hereto and also file rules and regulations as set forth in Exhibit "C" attached hereto.

Basing its order on the foregoing findings of fact and on such other findings of fact as may be contained in the opinion preceding this order;

It is hereby ordered, that Magnolia Farmers Telephone Company, on or before December 20, 1926, shall:

(1) File with the Railroad Commission the rates set forth in Exhibit "A," attached hereto, for service furnished on and after January 1, 1927;

(2) File with the Railroad Commission a map showing the territory served by it as set forth in Exhibit "B" attached hereto; and,

(3) File with the Railroad Commission rules and regulations governing the furnishing of telephone service as set forth in Exhibit "C" attached hereto.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this thirtieth day of October, 1926.

EXHIBIT "A."

RATES FOR EXCHANGE SERVICE.

Exchange Service—Schedule No. A-1.

Suburban Service.

Applicable to ten-party business and residence service furnished throughout the entire territory served.

Rate.

	Rate per month per station	
(a) Station rate:	Wall set	Desk set
Business service	$2 00	$2 25
Residence service	1 50	1 75

(b) Switching rate:

This rate is the Lindsay Home Telephone and Telegraph Company's switching rate in effect in its Lindsay Exchange.

Conditions.

(1) The total charge will be the sum of charges resulting from the application of the above rates (a) and (b).

(2) The subscriber will be allowed a discount of 10 per cent on the station rate under (a) if the total bill for exchange service is paid in the first month of the year in advance for one year.

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EXHIBIT "B."

MAP SHOWING

SERVICE AREA

OF

MAGNOLIA FARMERS TELEPHONE COMPANY

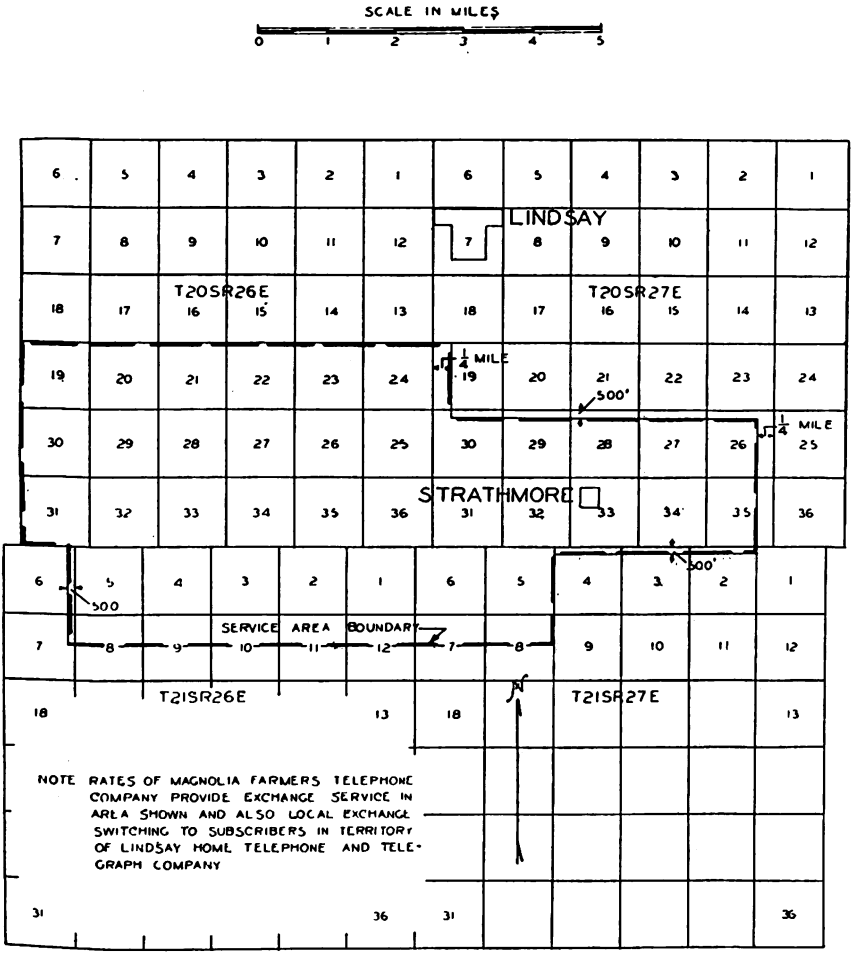

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EXHIBIT "C."

Rules and Regulations Governing Telephone Service.

A. *Service Connection Charges.*

Service connection charges provided for hereunder are payable at the time application for the particular service or facility is made and are in addition to the regular schedule of rates.

Service connection charges apply to all exchange service and facilities in accordance with the following provisions:

(1) New Service.

Individual and party lines—

Business and residence, each station $3 50

Extension stations—

Business and residence, each station 1 50

(2) Additional Service.

Individual and party lines—

Business and residence, each station $3 50

Extension stations—

Business and residence, each station 1 50

(3) Service where the telephone instrument is already in place on subscriber's premises.

Business and residence, subscriber's exchange service, one or more units $1 50

A change in location or type of instrumentalities made at subscriber's request is subject to the charges for moves and changes, provided the total charges for such moves and changes shall not exceed the charges for the initial establishment of the subscriber's complete service and facilities.

Service connection charges do not apply under the following conditions:

Business Service.

(a) When service is assumed by a receiver or trustee, executor or administrator of an estate.

(b) Change in the name of the business concern (i. e., individual, partnership, syndicate or corporation) when there is no complete change in ownership or management.

Residence Service.

(a) When service is assumed by a member of the former subscriber's family located in the same premises.

(b) When there is no change in the individuality of the recipient.

(c) When the subscriber's name has been changed by marriage or court order.

B. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company and the charges for such work will be as follows:

(a) Telephone Sets—

1. Moving from one location to another $3 00
2. Change in type or style 3 00

(b) Other Equipment and Wiring—

Charges for moving or changing of equipment or wiring other than that included under (a) will be an amount equal to the actual cost of labor and material involved.

(c) Maintenance—

The charges specified above do not apply if the changes or moves are initiated by the telephone company and required for proper maintenance of the equipment or service.

(d) Change in class of service—

The charges specified above do not apply if the changes are required because of a change of type, class or grade of service.

C. *Service Charge for Restoration of Service.*

A service charge of $1 may be made and collected by the company before the restoration of service, where service has been temporarily discontinued for any of the following reasons:

(a) Nonpayment of bills as required by the company's rules and regulations.

(b) To protect the company against fraud.

(c) For failure of subscriber to comply with the company's rules and regulations after service has been established.

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(d) For any other reason for which the subscriber is responsible except a change in class, type or grade of service or location of facilities.

When a service has been permanently disconnected the above charge does not apply.

D. *Definitions, Rules and Regulations.*

Definitions, rules and regulations similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 (24 C. R. C. 854), except as modified in sections A, B, and C above.

DECISION No. 17566.

IN THE MATTER OF THE APPLICATION OF OSCAR REINHARDT FOR AN ORDER AUTHORIZING A RATE INCREASE, AND FIXING PRIMARY RATE AREA.

Application No. 12983.

Decided October 30, 1926.

RATES—TELEPHONE UTILITY—TO INCREASE.—Application granted.

Oscar Reinhardt, for Applicant Reinhardt.

BY THE COMMISSION.

OPINION.

In this proceeding, Oscar Reinhardt, engaged in rendering telephone service in the town of Knights Landing, and doing business under the name and style of Knights Landing Telephone Exchange, requests an order of the Railroad Commission authorizing an increase in telephone rates and the establishment of a primary rate area within the territory served by him.

A public hearing was held in this matter before Examiner Satterwhite in the town of Knights Landing on September 30, 1926, at which place and time the matter was submitted.

Applicant in this proceeding, Oscar Reinhardt, operates a magneto type of telephone exchange in the town of Knights Landing from which he is furnishing twenty-four hour service to some sixty-three exchange subscribers and thirteen farmer line subscribers.

Applicant submitted an inventory of his plant, which, when checked, was found to contain numerous omissions.

A complete inventory of the plant was then made by E. M. Blakeslee, assistant engineer of the Commission, who found the historical reproduction cost of the property, undepreciated, to be $4,014, as of September 1, 1926.

Applicant submitted an operating statement for the year 1925, which showed total revenues of $2,064.38, and total operating expenses of $2,720, resulting in an operating loss of $655.62. These figures are of little value, however, as accurate accounts of his operations have not been kept by applicant, who will be required to maintain proper accounting in the future.

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From an investigation of applicant's operations, the Commission's engineers estimate operating revenues of $2,323 for the year 1927 at his present rates, and reasonable operating expenses of $2,569, which would result in an operating loss of $246. Under the rates established by the order following, a lower return will be received than has sometimes been obtained in other exchanges.

We are of the opinion that if a higher schedule of rates were established, a less gross revenue would be received for the reason that a substantial decrease in number of subscribers would result.

Applicant is furnishing twenty-four hour service, which is a higher grade of service than is usually rendered in exchanges of this size and character. No request was made by applicant for a change in hours of service, and no evidence was received at the hearing to indicate that reduced hours of service would be advisable, and the order following will make no change in operating hours for the exchange. Applicant may expect a greater rate of return as his number of subscribers increases for the reasons that new business can be provided for without an increase in switchboard equipment or increased labor charges for operating and maintenance.

Applicant requests authority to establish a primary rate area and to file and make effective mileage charges, and moves and changes charges.

There appears no good reason why applicant should not receive relief in the form of increased rates, establish a primary rate area and file rules and regulations governing the furnishing of service by him.

ORDER.

Oscar Reinhardt, doing business under the name and style of Knights Landing Telephone Exchange, having applied to the Railroad Commission for an order authorizing him to increase certain rates for telephone service and to establish a primary rate area, a public hearing having been held, the matter having been submitted and being now ready for decision:

The Railroad Commission of the State of California finds as a fact that the rates now charged by applicant are unjust and unreasonable and that the rates herein established and shown in Exhibit "A" attached hereto are reasonable for services furnished under conditions set forth in the opinion preceding this order and that applicant should file a map of, and establish a primary rate area as shown in Exhibit "B," attached hereto, and further file the rule and regulation relative to moves and changes as set forth in Exhibit "C," attached hereto.

Basing its order on the foregoing findings of fact and on such other findings of fact as may be contained in the opinion preceding this order;

It is hereby ordered, that Applicant, Oscar Reinhardt, on or before December 20, 1926, shall:

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1. File with the Railroad Commission the rates set forth in Exhibit "A," attached hereto, for service furnished on and after January 1, 1927;

2. File with the Railroad Commission a map showing the boundary of the primary rate area of the Knights Landing Exchange as set forth in Exhibit "B," attached hereto; and

3. File with the Railroad Commission rules and regulations governing the furnishing of telephone service, as set forth in Exhibit "C," attached hereto.

For all other purposes, the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this thirtieth day of October, 1926.

EXHIBIT "A."

EXCHANGE SERVICE—SCHEDULE A-1.

General Service—Knights Landing.

Service.

Applicable to business, individual line and four-party line flat rate service and residence individual line and four-party line flat rate service, furnished within the primary rate area of the Knights Landing Telephone Exchange.

Rate.

	Rate per month	
	Wall set	Desk set
(1) Business flat rate service:		
Each individual line station	$2 50	$2 75
Each four-party line station	2 00	2 25
Extension station	1 00	1 00
(2) Residence flat rate service:		
Each individual line station	2 00	2 25
Each four-party line station	1 50	1 75
Extension station	1 00	1 00

Conditions.

(1) Individual and party line services will be provided outside the primary rate area and within the exchange area at the above rates plus mileage.

(2) Extension stations will be provided in connection with individual line service. The maximum number of extension stations which may be connected to the primary station is three. None will be provided in connection with four-party service.

Residence extensions must be installed in the same premises as the primary station. Business extension stations may be installed off the premises in which the primary station is located, provided they are for use by the subscriber only and located on the subscriber's premises. The above rates plus mileage rates are applicable to outside extensions.

EXCHANGE SERVICE—SCHEDULE A-2.

Mileage Rates.

Mileage rates applicable throughout the entire territory served.

Rate.

	Rate per each one-quarter mile or fraction thereof per month
1. Within suburban area.	
Each individual line primary station	$0 50
Each four-party line primary station	25

The above rates are based on air-line distance measured between the subscriber's primary station and the nearest point on the boundary of the primary rate area. The above mileage rates are applicable to a service located outside the primary rate area but within the exchange area and are in addition to the rates for the same service furnished within the primary rate area.

	Rate per each one-quarter mile or fraction thereof per month
2. Within the enitre exchange area.	
Each extension station	$0 50

The above mileage rate is applicable to extension stations located off the premises in which the primary station is located and is in addition to other charges for the

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service. The charge shall be computed on route mileage, which is the lineal length of the actual circuit required.

EXCHANGE SERVICE—SCHEDULE A-3.

Suburban Service.

Applicable to suburban party line service furnished in the suburban area of the Knights Landing Exchange.

Rate.	Rate per month per station: Wall set	Desk set
Business service	$3 00	$3 25
Residence service	2 50	2 75

Conditions.

Suburban service is furnished outside the primary rate area but within the exchange area. In no case will the total number of stations connected to one circuit exceed ten (10) stations.

EXCHANGE SERVICE—SCHEDULE A-4.

Farmer Line Service.

Applicable to farmer line service rendered in the suburban area of the Knights Landing exchange.

Farmer line service:	Rate per year
Each business station	$7 20
Each residence station	3 60

Minimum charge:

The minimum charge is $18 per year per circuit.

Conditions.

Farmer line service will be furnished outside the primary rate area and within the exchange area. A farmer line station shall not extend across an exchange boundary.

The Knights Landing Telephone Exchange will provide, own and maintain all lines and facilities used to furnish farmer line service to the boundary of the primary rate area except where the city limits are beyond this boundary, in which case the lines and facilities extend to the boundary of the city limits.

The subscribers will provide, own and maintain all lines and facilities beyond the boundary of the primary rate area or city limits.

EXCHANGE SERVICE—SCHEDULE A-5.

Supplemental equipment.

Applicable to supplemental equipment throughout the territory served.

Rate.	Installation charge	Rate per month
Ordinary extension bell	$1 25	$0 25
Desk set cords exceeding 6 feet in length, each installation and replacement	1 00	-----

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EXHIBIT "B."

MAP SHOWING

PRIMARY RATE AREA

OF

KNIGHTS LANDING TELEPHONE EXCHANGE

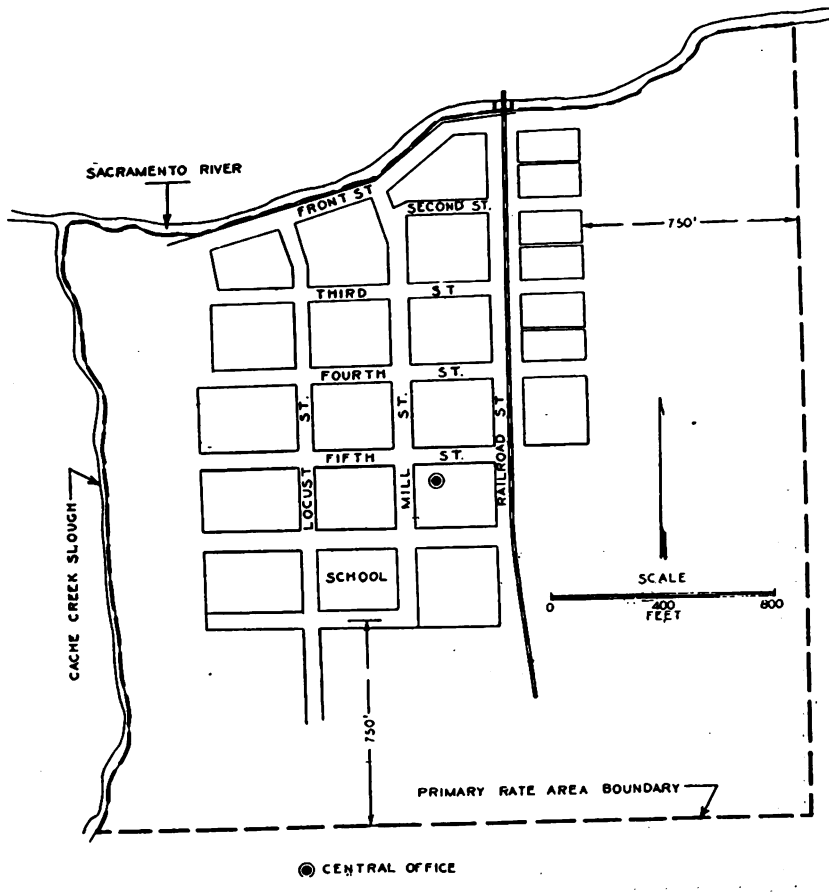

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EXHIBIT "C."

RULES AND REGULATIONS GOVERNING TELEPHONE SERVICE.

A. *Moves and Changes.*

Moves and changes of telephone apparatus and wiring on the subscriber's premises, at the request of the subscriber, will be made by the company, and the charges for such moves shall be as follows:

(a) Telephone sets.

1. Moving from one location to another---------- $3 00
2. Change in type or style---------- 3 00

(b) Other equipment and wiring.

Charges for moving or changing of equipment or wiring other than that included under (a) above, will be an amount equal to the actual cost of labor and material involved.

(c) Maintenance.

The charges specified above do not apply if the changes or moves are initiated by the telephone company and are required for the proper maintenance of the equipment or service.

(d) Change in class of service.

The charges specified above do not apply if the changes are required because of a change in type, class or grade of service.

B. *Definitions, Rules and Regulations.*

Definitions, rules and regulations similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478 (24 C. R. C. 854) except as modified in section A above.

DECISION No. 17568.

IN THE MATTER OF THE APPLICATION OF EAST BAY WATER COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING SALE OF REAL PROPERTY.

Application No. 13169.

Decided November 1, 1926.

TRANSFER—WATER UTILITY—NONOPERATIVE PROPERTY.—Application granted.

McKee, Tasheira and Wahrhaftig, for Applicant.

BY THE COMMISSION.

ORDER.

The East Bay Water Company asks permission to sell approximately 5.71 acres of land situate in the county of Contra Costa, State of California, and more particularly described as follows:

Beginning at a point, said point being the northeast corner of a certain 4.243 acre tract of land sold by the East Bay Water Company to Giovanni Siri by agreement of sale No. 65, dated January 19, 1920, and being distant north seventeen hundred twenty-seven (1727) feet, and east eleven hundred thirty-seven and 58/100 (1137.58) feet from the southeast corner of section thirty-five (35), township two (2) north, range five (5) west, Mounta Diablo Base and Meridian, and running thence along the line of said land sold to Siri, south three hundred eighty-seven (387) feet to the northerly line of a twenty (20) foot road; thence along the northerly line of said road east six hundred forty-two and 42/100 (642.42) feet to the westerly line of a thirty (30) foot road; thence along said westerly line of said thirty (30) foot road, north three hundred eighty-seven (387) feet; thence west six hundred forty-two and 42/100 (642.42) feet to the point of beginning.

Being a portion of lot 201, San Pablo Rancho, as said lot is so delineated and designated upon that certain map entitled, "Map of the San Pablo Rancho, accompanying and forming a part of the Final Report of the Referees in Partition" of said rancho, a certified copy of which said map was filed in

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the office of the county recorder of Contra Costa County, California, March 1, 1894.

The company reports that the property herein described is not necessary or useful in the performance of the duties of applicant to the public and that the same is nonoperative property.

The company proposes to sell the property pursuant to the terms and agreement between it and Giacomo Badano, dated August 10, 1920, which agreement on June 1, 1921, was assigned to Michele Credolo. The agreement shows that the purchaser has agreed to pay $2,280 for the property.

ORDER.

The Commission has considered the request of applicant and being of the opinion that this is a matter in which a public hearing is not necessary and that this application should be granted; therefore,

It is hereby ordered, that East Bay Water Company be and it is hereby authorized to sell to Giacomo Badano or his assigns, the property described herein, said sale to be made subject to the terms and conditions of the agreement between said East Bay Water Company and said Giacomo Badano dated August 10, 1920.

Dated at San Francisco, California, this first day of November, 1926.

DECISION No. 17569.

IN THE MATTER OF THE APPLICATION OF REDONDO HOME TELEPHONE COMPANY FOR AUTHORITY TO INCREASE ITS BONDED INDEBTEDNESS, TO EXECUTE A DEED OF TRUST TO SECURE THE SAME, AND TO ISSUE STOCK AND BONDS FOR CASH AND PROPERTY.

Application No. 13183.

Decided November 5, 1926.

SECURITIES—STOCK AND BONDS—TO ISSUE.—Redondo Home Telephone Company authorized to issue $200,000 of its first mortgage 6 per cent 20-year bonds and $64,000 of common stock, and to exchange $66,000 of bonds of 1926 for outstanding bonds, and $14,000 of common stock for a like amount of preferred stock, and to sell the balance of the securities for cash, using the proceeds for general corporate purposes.

Mott, Vallee and Grant, by *Paul Vallee,* for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled proceeding the Railroad Commission is asked to make an order authorizing Redondo Home Telephone Company:

1. To execute a mortgage and/or deed of trust to secure the payment of an authorized issue of $5,000,000 of first mortgage bonds;

2. To issue at this time $200,000 of 6 per cent 20-year bonds secured thereby, and to deliver $66,000 thereof in exchange for a like amount

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of bonds now outstanding and to sell the remaining $134,000 at not less than 95 per cent of face value for the purpose of reimbursing its treasury, paying outstanding obligations and of financing the cost of additions, betterments, extensions and improvements;

3. To issue and sell at not less than par, for cash, $50,000 of its common capital stock and to use the proceeds to reimburse its treasury, pay obligations and finance the cost of additions, betterments, extensions and improvements;

4. To issue $14,000 of its common capital stock in exchange for a like amount of 7 per cent cummulative preferred stock now outstanding.

Redondo Home Telephone Company has outstanding at present $66,000 of first mortgage 25-year bonds, due December 1, 1943, which bear interest at the rate of 2½ per cent per annum during the first eight years and at the rate of 6 per cent per annum thereafter. In addition it has $69,400 of stock outstanding, consisting of $14,000 of preferred and $55,400 of common. The company reports its assets and liabilities, as of August 31, 1926, as follows:

Assets.

Fixed capital	$310,292 01	
Less reserve for depreciation	35,275 52	
		$275,016 49
Cash		7,184 36
Bills receivable		158 22
Accounts receivable		8,768 13
Materials and supplies		9,357 29
Deferred charges		32,949 58
Total assets		$333,434 07

Liabilities.

Capital stock	$69,400 00
Funded debt	66,000 00
Notes payable	130,000 00
Trade acceptances	1,303 37
Accounts payable	18,600 38
Advances for extensions	292 50
Accruals	6,123 48
Donations in aid of construction	30,695 60
Corporate surplus unappropriated	11,018 74
Total liabilities	$333,434 07

The mortgage securing the payment of the bonds outstanding is dated December 1, 1918, and provides for a total issue of only $70,000 of bonds, all of which were issued in payment for property. The bonds now outstanding are held by The Pacific Telephone and Telegraph Company.

It appears that recently applicant's stockholders have authorized the execution of a new mortgage and/or deed of trust to secure the pay-

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ment of a total authorized issue of $5,000,000 of bonds, issuable in series. The company plans, at this time, to issue $200,000 of bonds of the "Series of 1926," and it reports that it has made arrangements with The Pacific Telephone and Telegraph Company to exchange $66,000 of such bonds for the $66,000 of bonds now outstanding, and to sell the remainder, $134,000 to the Citizens National Company at not less than 95 per cent of face value plus accrued interest. The agreement with Citizens National Company provides that applicant will receive a minimum of 95 for its bonds if the purchaser disposes of them at 99, and will further receive an amount equal to one-half of the difference between 99 and the price at which the bonds are sold, if sold above 99.

Applicant's stockholders have recently voted to increase its capital stock from $250,000 divided into 2500 shares of the par value of $100 each and consisting of $100,000 of common stock, $150,000 of 7 per cent cumulative noncallable preferred stock to $1,500,000 divided into 15,000 shares of the par value of $100 each and consisting of $1,000,000 of common stock and $500,000 of 7 per cent cumulative preferred stock callable at $105 per share. It is of record that the outstanding $14,000 of preferred stock of the Redondo Home Telephone Company has been acquired by parties who are willing to exchange such stock for $14,000 of the company's common stock on the basis of par for par. Following the exchange the preferred stock will be canceled. Applicant asks that it be permitted to issue $14,000 of its common stock in exchange for $14,000 of its preferred stock and further, that it be permitted to sell $50,000 of its common stock for cash at not less than par. It is of record that the common stock to be sold will be purchased by applicant's present common stockholders.

Applicant asks permission to use the proceeds obtained from the sale of the $134,000 of bonds and the $50,000 of stock for the following purposes:

a. In payment of the following liabilities:

Notes payable, as hereinbefore listed		$130,000 00
Trade acceptances for materials		1,303 37
Accounts payable as follows:		
Automatic Electric Company	$899 22	
Graybar Electric Company	334 78	
Kellogg Switchboard and Supply Co.	104 51	
Kierulff & Ravenscroft	212 83	
Maydwell & Hartzell, Inc.	630 97	
Santa Monica Bay Telephone Co.	7,712 93	
Southern California Edison Co.	1,403 73	
C. Ganahl Lumber Co.	34 55	
		11,333 52
Total		$142,636 89

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b. To pay the cost of the following improvements to be constructed during 1927–1928:

Cable No. 1	$500 00	
Cable No. 2	3,500 00	
Cable No. 5	500 00	
Cable No. 7 Project 1	5,500 00	
Cable No. 7 Project 2	2,600 00	
Cable No. 8 Project 1	3,500 00	
Cable No. 8 Project 2	2,500 00	
		$18,600 00
Pole line construction and joint pole interests		4,000 00
Extension of open wire lead		2,000 00
The Palos Verdes Project switchboard	$1,500 00	
Outside plant extension	2,500 00	
		4,000 00
Substation equipment		1,063 11
		$29,663 11

c. To reimburse the treasury of the company on account of surplus earnings invested in its properties in the amount of $5,000.

The testimony shows that all of the moneys obtained through the issue of the notes, trade acceptances and moneys represented by accounts payable referred to above, has been expended for additions, extensions, betterments and improvements to the company's plants and system. The testimony further shows that all of the improvements referred to in Decision No. 15388, dated September 12, 1925, in Application No. 10696 have been made and that the company's expenditures for construction purposes exceeded the amount ($127,156.82) referred to in such decision.

Applicant has submitted a copy of its proposed mortgage and/or deed of trust. We believe that it should be modified in several respects. The prohibition (article I, section 10) against the issue of bonds maturing more than forty years after their date should be eliminated. Section 8 of article II, reading, "operating expenses, including current maintenance and repairs, taxes, rentals and all interest charges," should be amended so as to read, "operating expenses, including current maintenance and repairs, adequate provision for depreciation, taxes, rental, interest and all other fixed charges." There should be eliminated from the last paragraph of section 14, of article III the following language: "and the findings of the trustee in this behalf shall be final and conclusive on the company." Section 11 of article VII should be amended so that the trustee has no discretion to waive or rescind any default, and that a default such as contemplated in said section can be waived by the trustee only upon the written request of the holders of 80 per cent in amount of the bonds outstanding. Section 3 of article VIII should be modified so as to permit the company to use proceeds obtained from the sale of mortgaged property either for the purposes now stated in said section (to acquire new properties) or to redeem bonds in accordance with article IV and article V of the indenture. Section 1 of article XIII, relating to changes in the mortgage and/or deed of trust reading, "From time to

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time the holders of two-thirds in amount of all bonds issued under this indenture for the time being outstanding," etc., should be changed so as to read, "From time to time the holders of 80 per cent in amount of all bonds issued under this indenture for the time being outstanding," etc.

We are of the opinion that applicant should submit a copy of its proposed mortgage and/or deed of trust, revised along the lines herein indicated.

ORDER.

Redondo Home Telephone Company having applied to the Railroad Commission for authority to execute a mortgage and/or deed of trust, and to issue stock and bonds, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted, as herein provided and that the money, property or labor to be procured or paid for through the issue of stock and bonds is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Redondo Home Telephone Company be and it hereby is authorized to issue, on or before June 30, 1927, $200,000 of its first mortgage 6 per cent 20-year bonds, of the "Series of 1926," and $64,000 of its common capital stock.

The authority herein granted is subject to the following conditions:

1. Applicant may deliver $66,000 of the bonds herein authorized in exchange for the $66,000 of bonds now outstanding, and $14,000 of the common stock herein authorized in exchange for the $14,000 of preferred stock now outstanding, which preferred stock shall be canceled.

2. Applicant may sell for cash $134,000 of the bonds herein authorized at not less than 95 per cent of face value plus accrued interest, and $50,000 of the common stock at not less than par.

3. Applicant may use the proceeds to be received from the sale of the $134,000 of bonds, other than accrued interest which may be used for general corporate purposes, together with the proceeds to be received from the sale of the $50,000 of stock for the following purposes and none other:

a. To pay outstanding liabilities	$142,636 89
b. To reimburse the treasury	5,000 00
c. To finance in part expenditures estimated for the remainder of 1926, 1927 and 1928, as set forth in Exhibit "D"	29,663 11

4. Applicant shall keep such record of the issue and sale of the stock and bonds herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

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5. The authority herein granted to issue stock shall become effective upon the date hereof, but the authority granted to issue bonds will not become effective until applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $200, nor until the Commission has authorized applicant to execute a mortgage and/or deed of trust to secure the payment of the bonds herein authorized to be issued.

Dated at San Francisco, California, this fifth day of November, 1926.

DECISION No. 17570.

IN THE MATTER OF THE APPLICATION OF SANTA MONICA BAY TELEPHONE COMPANY FOR AUTHORITY TO ISSUE STOCK FOR CASH

Application No. 13228.

Decided November 5, 1926.

SECURITIES—PREFERRED STOCK—TO ISSUE.—Santa Monica Bay Telephone Company authorized to issue and sell 3500 shares of 7 per cent cumulative preferred stock at not less than $99 a share, and to use the proceeds to pay indebtedness and to finance construction expenditures.

Mott, Vallee and Grant, by *Paul Vallee* for Applicant.

BY THE COMMISSION.

OPINION.

Santa Monica Bay Telephone Company asks permission to issue and sell at not less than $99 a share, 3500 shares of its capital stock of the aggregate par value of $350,000, and to use the proceeds to finance the cost of additions, extensions, betterments and improvements to its existing plants and properties.

In a former proceeding, Application No. 12228, the company filed an exhibit showing estimated expenditures up to December 31, 1926, of $484,800. It now reports, in the pending application, that up to August 31, 1926, it had expended $60,568.86, in excess of the expenditures reported, for which no proceeds were provided through former issues of stock and bonds, as shown in Exhibit "B" as follows:

	Additions and betterments for which funds were provided by previous financing	*Actual expenditures up to August 31, 1926*	*Unexpended balance on unfinished projects*	*Expenditures in excess of funds provided*
Land	$25,000 00	$23,836 57	$1,163 43	
Buildings	125,000 00	51,516 40	73,483 60	
C. O. telephone equipment	93,400 00	67,677 40	25,722 60	
Other equipment of c. o.	900 00	1,117 81		217 81
Station apparatus	29,000 00	31,666 26		2,666 26
Station installations	6,000 00	12,442 99		6,442 99
Private branch exchanges	10,000 00	5,867 43	4,132 57	
Exchange pole lines	17,700 00	39,367 92		21,667 92
Exchange aerial cable	72,200 00	80,581 23		8,381 23
Exchange aerial wire	11,000 00	32,057 62		21,057 62
Exchange underground conduit	22,600 00	22,016 35	583 65	
Exchange underground cable	58,000 00	51,356 91	6,643 09	
Office equipment	3,000 00	3,135 03		135 03
Garage equipment	10,000 00	7,093 69	2,906 31	
Tools and implements	1,000 00	367 96	632 04	
	$484,800 00	$430,101 57	$115,267 29	$60,568 86

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The corporation asks permission to use $60,568.86 of the proceeds to be obtained from the sale of the stock herein applied for to reimburse its treasury on account of the excess expenditures of $60,568.86 in order to provide funds thereafter to finance in part the unexpended balances on other projects. It asks permission to use the remaining proceeds, amounting to approximately $285,931.14 to finance capital expenditures it is estimated will be made up to the close of 1927, which expenditures are also described in Exhibit "B" and are as follows:

Ocean Park, New Mar Vista Central office	$57,590 00
Central office equipment, Ocean Park office	20,000 00
Substation equipment, Ocean Park area	15,600 00
Plant additions, line and drop wire, Ocean Park	3,600 00
Central office equipment, Sawtelle exchange	13,000 00
Substation equipment, Sawtelle area	10,930 00
Plant additions, line and drop wire, Sawtelle area	2,140 00
Plant additions, new poles and combinations	7,000 00
Central office equipment, Santa Monica exchange	28,600 00
Buildings—enlarge basement at Santa Monica to provide additional battery space	1,000 00
Substation equipment, Santa Monica area	26,500 00
Plant addition, line and drop wire, Santa Monica area	3,700 00
Ocean Park—underground cable	31,355 00
Sawtelle—underground cable	8,330 00
Sawtelle—aerial cable	8,660 00
Santa Monica—aerial cable	20,510 00
Santa Monica—underground cable	6,775 00
Brentwood Heights—pole lines, aerial cable and wire	11,880 00
Automotive equipment, tools, etc.	8,761 14
Total	$285,931 14

It appears that the additional expenditures are necessitated by the growth in applicant's business. The company reports 8826 telephones in service on January 1, 1925, 10,034 on January 1, 1926, and 11,407 on September 1, 1926. It reports its revenues and expenses for the eight months ending August 31, 1925, and the eight months ending August 31, 1926, as follows:

Item	*Eight months ending August 31, 1925*	*1926*
Operating revenues	$241,246 29	$291,535 69
Operating expenses	93,801 07	120,210 50
Net operating revenues	$147,445 22	$171,325 19
Nonoperating revenues		3,104 21
Gross income	$147,445 22	$174,429 40
Depreciation	35,966 74	47,942 23
Balance	$111,478 48	$126,487 17
Deductions:		
Miscellaneous rents	$1,780 22	$193 75
Interest on bonds	37,969 18	50,654 20
Other interest	1,707 75	608 78
Amortization	788 56	1,116 61
Miscellaneous	6,954 25	365 20
Totals	$49,199 96	$52,938 54
Balance	$62,278 52	$73,548 63

The company at present has outstanding $1,347,500 of bonds and $923,600 of stock, consisting of $650,600 of common and $273,000 of preferred. It reports reserve for depreciation of $257,031.76 and corporate surplus unappropriated of $50,381.98. We have given consideration to the request to issue additional preferred stock and believe such

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request should be granted, except that it does not seem to us the corporation should be authorized to use $60,568.86 of proceeds to reimburse its treasury. The record does not warrant the granting of the request to reimburse applicant's treasury. The order herein will authorize the use of the $60,568.86 to pay indebtedness representing moneys invested in applicant's properties and/or finance the construction of extensions, additions and betterments to applicant's properties referred to herein.

ORDER.

Santa Monica Bay Telephone Company having applied to the Railroad Commission for permission to issue stock, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through the issue and sale of such stock is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Santa Monica Bay Telephone Company be and it hereby is authorized to issue and sell, on or before June 30, 1927, at not less than $99 a share net 3500 shares of its 7 per cent cumulative preferred stock at the aggregate par value of $350,000, and to use $60,568.86 of the proceeds to pay indebtedness representing moneys invested in applicant's properties, or use said $60,568.86 together with all other net proceeds obtained from the sale of the $350,000 of stock to finance the construction expenditures referred to in the opinion which precedes this order.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof, and further, that applicant shall keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this fifth day of November, 1926.

DECISION No. 17571.

THE LEMON COVE-WOODLAKE GROWERS AND SHIPPERS ASSOCIATION

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AND VISALIA ELECTRIC RAILROAD COMPANY.

Case No. 2140.

Decided November 5, 1926.

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TRANSPORTATION—INTERCHANGE TRACKS—THROUGH JOINT RATES—TO ESTABLISH. Complaint asking the Commission to require defendants to establish interchange tracks between their respective lines of railroad, and to publish through joint rates for the handling of interchange traffic dismissed.

COMMISSION'S JURISDICTION.—It is found that the Commission is without jurisdiction to grant the relief sought, and that the Interstate Commerce Commission possesses exclusive jurisdiction to order a physical connection between carriers operating in interstate traffic.

Gwyn H. Baker, for Complainant.
E. W. Camp, *M. W. Reid*, and *A. M. Reinhardt*, for The Atchison, Topeka and Santa Fe Railway Company, Defendant.
C. W. Cornell, *F. W. Mielke*, *Donald McFadden* and *G. F. Squires*, for Visalia Electric Railroad Company.
F. W. Mielke and *C. W. Cornell*, for Southern Pacific Company, Intervener.

BY THE COMMISSION.

OPINION.

Complainant is an unincorporated association with its principal place of business at Lemon Cove, California, whose members are engaged in growing, packing and marketing citrus and deciduous fruits and shipping fruits and other commodities between points on the Visalia Electric Railroad and points located in California and other states.

By complaint filed July 2, 1925, it alleges that defendants' refusal to install track connections and maintain facilities for interchange of traffic between their respective lines, and their failure to establish through joint rates between points on the Visalia Electric Railroad and points on or reached via The Atchison, Topeka and Santa Fe Railway are unreasonable, unduly discriminatory and undly prejudicial.

The Commission is asked to require the Visalia Electric Railroad Company and The Atchison, Topeka and Santa Fe Railway Company to provide joint track connections at or near the town of Exeter, California, and after the installation of such joint track connection to provide through joint rates:

First, to points on or reached via the Southern Pacific Company which are also on or reached via The Atchison, Topeka and Santa Fe Railway, the same as those now in effect via the Visalia Electric Railroad and the Southern Pacific Company; and

Second, to other points on or reached via The Atchison, Topeka and Santa Fe Railway the same as those now in effect via the line of that company direct from points also on or near points on the Visalia Electric Railroad.

A similar complaint was filed with the Interstate Commerce Commission, and the complaint was set for hearing before both commissions at Visalia, California, October 23, 1925. Commissioner Squires presided for this Commission and Examiner Hoover for the Federal Commission. At the hearing, counsel for defendant, Visalia Electric Railroad Company, moved to dismiss the proceeding before this Commission for lack of jurisdiction. Acting upon this motion Commissioner

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Squires retired from the joint hearing and the case was continued to a later date.

We are of the opinion that as a matter of law this Commission is without jurisdiction to grant the relief sought herein and that this proceeding, therefore, should be dismissed. The United States Supreme Court in a recent decision held that under the Federal Transportation Act of 1920 (Chap. 91, 41 Stat. at L. 456), the Interstate Commerce Commission is possessed of exclusive jurisdiction to order a physical connection between carriers operating in interstate commerce. (*Alabama and Vicksburg Railway Company* vs. *Jackson and Eastern Railway Company*, decided April 16, 1926, U. S. Supreme Court Advance Opinions, 70 L. Ed. 584.)

The Lemon Cove-Woodlake Growers and Shippers Association advised the Commission that it is agreeable to dismissing the complaint.

The complaint will be dismissed.

ORDER.

A public hearing having been held in the above entitled complaint and the Railroad Commission finding that it does not have jurisdiction to require the installation of the joint track connections;

It is hereby ordered, that said complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this fifth day of November, 1926.

DECISION No. 17579.

IN THE MATTER OF THE APPLICATION OF SONOMA WATER AND IRRIGATION COMPANY FOR AUTHORITY TO AMEND RATES.

Application No. 12946.

Decided November 6, 1926.

RATES—WATER UTILITY—TO ADJUST.—Finding that the metered rates are not properly spread and place an unnecessary burden upon those consumers who require a normal amount of water only, the Commission fixes a monthly minimum of $1.50 for permanent consumers, and for a smaller amount of water, and fixes rates effecting a more equitable spread of the cost of the service.

Dudley D. Sales, for Applicant.
H. A. Postlethwaite, City Attorney, for the City of Sonoma.
Wm. J. Locke, for Water Consumers League.

BY THE COMMISSION.

OPINION.

Sonoma Water and Irrigation Company, a corporation, applicant in the above entitled proceeding, is engaged in the public utility business of supplying water for domestic and commercial purposes to consumers residing in the city of Sonoma and in the adjacent towns of El Verano and Sonoma Vista in Sonoma County. The applicant

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alleges in effect that it has recently acquired by purchase through the authority of the Railroad Commission the properties of the Sonoma Valley Water, Light and Power Company at a cost of $50,000, the properties of the Sonoma Water Works for $30,000, and the properties of the Sonoma Vista Water System for the sum of $10,160; that except for about a dozen consumers served by the El Verano system applicant has no records available of the operating and maintenance expenses prior to January 1, 1926, and that the rate at present in effect for service renderered in the city of Sonoma is 15 cents per thousand gallons, with a monthly minimum of $2 per month; in Sonoma Vista the rate is $12 per annum payable in advance, entitling the consumer to 400 cubic feet of water per month. The Commission is requested to establish a more equitable and uniform rate throughout the consolidated systems.

Public hearings in this proceeding were held in Sonoma before Examiner Austin after all interested parties had been notified and given an opportunity to appear and be heard.

Applicant has by purchase acquired three separate water systems, one serving the city of Sonoma, another serving the summer resort community of Sonoma Vista, and the third serving a few consumers in one section of the town of El Verano. The El Verano system, or the Lewis system as it is sometimes called, was originally installed to supply water to small acreage tracts in and about El Verano, and was later extended into the city of Sonoma to compete with the water system supplying the city at that time. This system obtains its water supply by means of two small diversion dams located in Carriger Creek and is now transmitted by gravity as far as El Verano and was at one time carried into the city of Sonoma. The transmission lines are eight inches in diameter but are now practically entirely worn out through age and lack of proper maintenance. There are several branch lines of four- and six-inch wood stave pipe used for distribution purposes. This system also includes approximately 108 acres of land situated along Carriger Creek, an abandoned and now useless reservoir covering about two acres of land, and also an abandoned well and pumping plant located in the city of Sonoma. At one time service was rendered to over 100 consumers, but because of poor service and inadequate water supply resulting from the failure of Carriger Creek during summer months, most of the former consumers installed their own wells and pumping plants and discontinued service from this system. At present there are eleven permanent consumers, all confined to a section of El Verano, no service being rendered in Sonoma from this source. This property was purchased from the Sonoma Valley Water, Light and Power Company for $50,000 by transfer authorized by this

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Commission in its Decision No. 9683, dated October 31, 1921, issued in connection with Application No. 6637.

The Sonoma Vista system was originally installed for the purpose of supplying domestic water to a real estate subdivision lying along the banks of Sonoma Creek between Sonoma and Boyes Springs. The service is summer resort in character, the consumers occupying small cottages and requiring service only for a portion of the year.

Water is obtained by pumping from wells into a surface storage sump from which it is lifted by booster pump equipment into an elevated tank, from which distribution is made by gravity through pipe lines, practically all of which are two inches in diameter. Service has heretofore been rendered at flat rates, but since acquisition by applicant herein the system has been placed upon a metered basis and now serves approximately 120 consumers. This plant was purchased for the sum of $10,160 by applicant through authority of this Commission issued by its Decision No. 16146, dated March 16, 1926, rendered in connection with Application No. 6637.

The Sonoma Water Works system has been supplying water to the city of Sonoma for a great many years. The service is stable and to a permanent class of users as distinguished from the type of use in Sonoma Vista. The water supply is obtained from wells and developed springs located in the outskirts of Sonoma on the General Vallejo Estate, former owner of the system. The water is pumped into two storage tanks of a total capacity of 50,000 gallons, from which distribution is made by gravity to consumers throughout the city. There is also an earth and masonry reservoir located above the wells and pumping plant and at a higher elevation than the present tanks, and which has a capacity of 80,000 gallons but which has not yet been placed in operation. The distribution system consists of standard screw pipe, O. D. casing and riveted steel pipe. The majority of the present mains were installed from 1904 to 1910, and in some instances now require replacement on account of leaks and also because of inadequate size for present demands.

There are several small privately owned water systems in Sonoma which were installed by reason of the inadequate service which at times in the past was given by the utility. Improved storage and more adequate distribution facilities which applicant has stated it intends to install will undoubtedly increase the patronage of this system, which now serves 270 consumers. This system has been placed upon a metered basis by the present operators and will be fully metered within the course of the next two or three months.

The Sonoma Water Works properties were acquired from Luisa V. Emparan and Maria V. Cutter, heirs of the Vallejo Estate, by purchase for the sum of $30,000, authorized by the Commission in its Deci-

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sion No. 15740, dated December 10, 1925, issued in connection with Application No. 6637.

The rates now in effect on the three systems involved in this proceeding are as follows:

El Verano System.

Minimum monthly charge	$2 00
All water used, per 1000 gallons	25

Sonoma Vista Water System.

The rates for this system were fixed by the Commission in its Decision No. 7131, dated February 13, 1920, in Application No. 4938, and are as follows:

Annual charge payable in advance, entitling consumer to 400 cubic feet of water per month	$12 00
400 to 2000 cubic feet, per 100 cubic feet	20
Over 2000 cubic feet, per 100 cubic feet	15

Sonoma Water Works.

The rates in effect on the Sonoma Water Works system were fixed by ordinance of the city of Sonoma, effective July 1, 1913. This ordinance provided for flat and metered rates, the basic flat rate charge being substantially $2 per month for ordinary service. The metered rate provides for a monthly minimum charge of $2 per month at the quantity rate of 15 cents per thousand gallons for all water used, thus giving the consumer 13,333 gallons of water per month under the minimum.

A valuation of the properties was submitted by applicant, based upon purported book costs as follows:

El Verano system	$20,609 00
Sonoma Vista system	17,845 00
Sonoma city system	45,086 00
Subtotal	$83,540 00
Organization, water rights and general equipment	8,500 00
Total	$92,040 00

A valuation based upon the estimated original cost less accrued depreciation of the operative properties was presented by Mr. Otto Von Geldern, consulting engineer, appearing on behalf of the Water Consumers League of Sonoma, and is as follows:

El Verano system	$5,000 00
Sonoma Vista system	13,000 00
Sonoma city system	*33,800 00
Total	$51,800 00
Depreciation annuity	$500 00

*Includes the sum of $7,500 for water rights.

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A valuation of the used and useful properties of these systems was prepared by M. I. Reed and R. E. Savage, based upon the estimated original cost exclusive of water rights, and is as follows:

El Verano system	$5,140 00
Sonoma Vista system	13,525 00
Sonoma city system	32,955 00
Subtotal	$51,620 00
Organization, equipment and construction in progress	4,000 00
Total	$55,620 00
Depreciation annuity	$1,064 00

As the records available of previous operations of the three systems combined herein have been fragmentary and incomplete and as the various systems have not been completely metered until recently under the management of the present owners, the data on revenues and operating expenses are not a very conclusive index of the future costs of operation. The following estimates and statements have been based upon operations from January 1, 1926, to June 30, 1926, and comprise only the first six months of this year.

Applicant presents the following:

January 1 to June 30, 1926.

Sonoma city system only—		
Revenues		$3,801 00
Maintenance and operating expense	$2,259 00	
Depreciation	700 00	
Total		2,959 00
Net revenues available for return		$842 00

Otto Von Geldern:

January 1 to June 30, 1926.

Sonoma city system only—		
Revenues		$3,713 00
Maintenance and operating expense	$2,432 00	
Depreciation annuity	250 00	
Total		2,682 00
Net revenues available for return		$1,031 00

No segregation of the operating costs of the three separate systems was submitted by the Commission's engineers because of the condition of the company's accounting system. However, an analysis was made of the operating expenses for the combined systems by M. I. Reed, the results of which are set out below, covering the period of six months from January 1 to June 30, 1926.

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January 1 to June 30, 1926.

Revenues—		
El Verano system		$120 00
Sonoma Vista system		700 00
Sonoma city system		3,703 00
Total revenues		$4,523 00
Operating expenses	$3,223 00	
Depreciation annuity	532 00	
		3,755 00
Net revenues available for return		$768 00

The following estimates of the annual operating expenses for the immediate future were submitted:

Applicant:*	
Sonoma city system	$5,700 00
El Verano and Sonoma Vista systems	2,550 00
Total	$8,250 00

* No estimate of depreciation presented.

Otto Von Geldern:	
Combined systems—	
Operating expenses	$6,000 00
Depreciation	1,091 00
Total	$7,091 00
M. I. Reed:	
Combined systems—	
Operating expenses	$6,200 00
Depreciation	1,064 00
Total	$7,264 00

The El Verano water system, as stated before, is in a very bad condition of repair and but very little of the entire property is operative while the remainder is of little value for water supply purposes, especially during the summer months at which time the creek produces little or no water when most seriously needed. The applicant has stated to the Commission that it does not expect or desire a rate to be fixed for either this system or the combined systems which will include interest return upon all of the El Verano properties, but it does request that a rate be fixed for the combined systems that may be reasonably applied for service rendered in the El Verano district.

At the time applicant acquired these various water plants all of them were in a seriously run down and neglected condition and as a result were giving very poor and inadequate service. The present pumping equipment on the Sonoma Vista system should be replaced with modern and efficient machinery. The Sonoma city plant urgently requires replacement of certain mains and increased distribution capacity, as

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well as greater storage facilities at a higher elevation. In this last instance it is recommended that immediate steps be taken to put into service the existing masonry reservoir, which has not yet been placed in commission, although having been practically completed for some time. Better service conditions can be maintained by the connection of the Sonoma Vista system and El Verano distribution mains. This will provide a more dependable water supply to El Verano consumers and may result in the acquisition of more consumers in that territory.

The company has expressed its willingness to expend in the neighborhood of $25,000 for the installation of improvements throughout the area served, and if these improvements are made in a proper manner within a reasonable time and in accordance with plans acceptable to the Commission, it appears that due consideration may properly be made therefor in the matter of the determination of a proper rate.

From the evidence it appears that $60,000 is a fair value to be used for rate fixing purposes for this proceeding, for the combined and existing facilities, to which should be added a reasonable amount to cover the net cost of the capital improvements which this company has agreed to install and which will be provided for in the following order; and it further appears that $6,200 is a reasonable allowance for the annual operating and maintenance expenses for the combined systems for the immediate future.

In connection with the establishment of a rate schedule to cover the territory served it should be pointed out that a part of the service is settled and permanent while another is temporary or summer resort in character where demand is only for a few months of the year, although the facilities for service must be permanent and held in readiness to serve throughout the year. In addition to this, the present monthly minimum charge for service in Sonoma and El Verano is $2 per month, which at metered rates now charged provides for 13,333 gallons in Sonoma and 8000 gallons in El Verano, amounts of water considerably in excess of the requirements of the average small user as indicated by the water consumption tables for this system. The metered rates at present are not properly spread and place an unnecessary burden upon those consumers who require only a normal amount of water.

The rate set out in the accompanying order will provide for a monthly minimum charge of $1.50 for permanent consumers, together with a smaller quantity of water, and will result in more equitably distributing the rate structure in accordance with the use of water. Provision will also be made for an annual charge to be used in those sections of the service area where the consumers require service only for a few months of the year.

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ORDER.

Sonoma Water and Irrigation Company, a corporation, having made application as entitled above to this Commission for the establishment of rates to be charged its consumers, public hearings having been held thereon, the matter having been submitted and the Commission being now fully informed thereon:

It is hereby found as a fact that the rates now charged by Sonoma Water and Irrigation Company, a corporation, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered.

And basing its order upon the foregoing finding of fact and upon the further statements of fact contained in the opinion preceding this order;

It is hereby ordered, that Sonoma Water and Irrigation Company, a corporation, be and it is hereby authorized and directed to file with this Commission within thirty (30) days from the date of this order the following schedule of rates to be charged for all water service rendered to its consumers in and in the immediate vicinity of the city of Sonoma, El Verano and Sonoma Vista on and after the first day of December, 1926:

Meter Rates.

Monthly minimum charges—

$\frac{5}{8}$" x $\frac{3}{4}$" meter	$1 50
$\frac{3}{4}$" meter	2 00
1 " meter	3 00
1$\frac{1}{2}$" meter	5 00
2 " meter	7 50

Each of the foregoing "monthly minimum charges" will entitle the consumer to that quantity of water which the monthly minimum charge will purchase at the monthly quantity rate set out below.

Monthly quantity rates—

0 to 5,000 gallons per 1000 gallons	$0 30
5000 to 25,000 gallons, per 1000 gallons	20
Over 25,000 gallons per 1000 gallons	15

Summer Cottage Rates.

Applicable only to service outside of Sonoma city system, and for other than permanent domestic consumers:

Annual charge, payable in advance, entitling consumer to a maximum of 5000 gallons of water each month for any period of six consecutive months---- $12 00

For water used over six months' period, the monthly minimum charge shall be $1 entitling consumer to a maximum of 5000 gallons of water per month for the remainder of the calendar year, provided, however, such remainder shall not exceed six months.

Excess use of water over monthly minimum amounts set out above, at regular monthly quantity rates.

Consumers under this schedule may also have the option of paying $18 per annum in advance, entitling them to service as set out in regular monthly quantity rates.

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Fire Hydrants.

Owned and installed by city, county or fire district, per month each	$1 50
Owned and installed by company, per month each	2 00

All other municipal service at the regular meter rates.

It is hereby further ordered, that Sonoma Water and Irrigation Company, a corporation, be and it is hereby directed to file with this Commission within thirty days from the date of this order, rules and regulations governing the distribution of water to consumers, said rules to become effective upon their approval by this Commission.

It is hereby further ordered, that Sonoma Water and Irrigation Company be and it is hereby directed to file with this Commission for its approval, within sixty days from the date of this order, detailed plans for the improving of its storage and distribution system facilities, said improved facilities to be installed and in proper operation on or before May 31, 1927.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this sixth day of November, 1926.

Decision No. 17584.

IN THE MATTER OF THE APPLICATION OF YOSEMITE PARK AND CURRY COMPANY, A CORPORATION, OPERATING THE YOSEMITE TRANSIT SYSTEM, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE MOTOR STAGE PASSENGER, BAGGAGE AND EXPRESS SERVICE BETWEEN MERCED, MERCED COUNTY, CALIFORNIA, AND EL PORTAL, MARIPOSA COUNTY, CALIFORNIA, AND INTERMEDIATE POINTS, AS AN EXTENSION OF ITS EXISTING MOTOR STAGE SERVICE BETWEEN MARIPOSA, MARIPOSA COUNTY, AND BRICEBURG, MARIPOSA COUNTY, AND BETWEEN EL PORTAL, MARIPOSA COUNTY, AND THE BOUNDARY OF YOSEMITE NATIONAL PARK.

Application No. 12800.

IN THE MATTER OF THE APPLICATION OF YOSEMITE VALLEY RAILROAD COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE MOTOR STAGE PASSENGER AND BAGGAGE SERVICE BETWEEN MERCED, MERCED COUNTY, CALIFORNIA, AND EL PORTAL, MARIPOSA COUNTY, CALIFORNIA, AND INTERMEDIATE POINTS.

Application No. 13039.

Decided November 9, 1926.

CERTIFICATE—AUTO STAGES—TO OPERATE—COMPETITION PRESERVED.—It is concluded that public convenience and necessity will best be served by granting certificates to both applicants to operate auto stage service between Merced and El Portal, thereby preserving for the public the competition heretofore present as regards access to the Yosemite National Park by choice of train or stage.

RATES EQUALIZED.—Rates for round trip equalized by directing Yosemite Valley Railroad Company to reduce the round trip rate between Merced and El

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Portal to $6.75, and to reduce the free baggage allowance of 150 pounds to 40 pounds, and with restrictions against transportation of passengers locally to points intermediate between Merced and Briceburg. The carrying of express matter by Yosemite Park and Curry Company between Merced and El Portal is also prohibited.

Brobeck, Phleger and Harrison, by *Herman Phleger*, for Yosemite Park and Curry Company, Applicant in Application No. 12800, and Protestant in Application No. 13039.

McCutcheon, Olney, Mannon and Greene, by *Allan P. Matthew* and *John O. Moran*, for Yosemite Valley Railroad Company, Applicant in Application No. 13039 and Protestant in Application No. 12800.

Earl A. Bagby, for California Transit Company, in favor of Application No. 12800 and Protestant in Application No. 13039.

Edward Stern and *J. W. Rogers*, for American Railway Express Company.

BY THE COMMISSION.

OPINION.

In Application No. 12800, Yosemite Park and Curry Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage service as a common carrier of passengers, baggage and express between Merced, Merced County, and El Portal, Mariposa County, and intermediate points, as an extension of its existing motor stage service between Mariposa and Briceburg, in Mariposa County, and between El Portal, Mariposa County, and the boundary of Yosemite National Park.

In Application No. 13039, Yosemite Valley Railroad Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by it of an automobile stage service for the transportation of passengers and baggage between Merced, Merced County, and El Portal, Mariposa County, and intermediate points.

Public hearings on these applications were conducted by Examiner Handford at San Francisco, the matters were consolidated for the purpose of receiving evidence and for decision, were duly submitted and are now ready for decision.

In Application No. 12800, Yosemite Park and Curry Company propose to operate between Merced and El Portal at a one-way rate of $5 and a round trip rate of $6.75; baggage, not exceeding forty pounds in weight, to be carried free and a charge of 2½ cents per pound to be made for excess baggage exceeding the free weight allowance. Half rates are proposed for children from 5 to 12 years of age. Applicant proposes a schedule of five round trips daily between Merced and Yosemite National Park, via El Portal, and to purchase additional equipment for service over the route herein proposed. Applicant now operates 44 White passenger cars, with capacities from 6 to 27 passengers, and 21 Pierce-Arrow touring cars, each of 8 passenger capacity.

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This applicant relies, as justification for the granting of the requested certificate, on the following alleged facts:

1. That the proposed service will enable passengers to be transported by auto stage from Merced to Yosemite without change of cars.

2. That the proposed route will afford the public the advantage of an all highway route from Merced to Yosemite Valley which will be operated during the entire year and which is the shortest highway route available.

3. That the opening of the new stage highway between Briceburg and El Portal will permit the operation of through stages between Merced and the Yosemite Valley, via El Portal, during the entire year and at cheaper rates than are now available by existing transportation facilities.

4. That applicant is experienced in the business of auto stage transportation and now operates such transportation in the Yosemite National Park; between Carl Inn and Mather; to Mono Lake and Lake Tahoe; from Fresno to Yosemite; between Merced and Mariposa; between Briceburg and Mariposa; and between Merced and Yosemite via Wawona over what is commonly known as the "Horseshoe Route."

5. That applicant, operating under the authority of the United States government, maintains hotels, camps, stores, garage service, saddle horse service, amusement, and all other service necessary or convenient for the public visiting Yosemite National Park, and that the service sought to be established would facilitate and promote the accessibility of the Yosemite Valley to the public.

6. That applicant maintains agencies throughout the United States for the purpose of furnishing information to the public as to the facilities offered at Yosemite National Park and for the purpose of developing travel to Yosemite and vicinity.

7. That the proposed service will provide the public with transportation from main line railroads and highways to and from Yosemite National Park and will permit the public to avail itself of transportation, hotel and other service rendered by one management.

8. That numerous inquiries have been received by applicant from tourist agencies and other sources throughout the United States requesting information as to through motor stage service to the Yosemite National Park, and that applicant anticipates an immediate and substantial demand by the public for the service herein proposed.

In Application No. 13039, applicant Yosemite Valley Railroad Company proposes to operate between Merced and El Portal at a one-way fare of $5 and a round trip fare of $7.50, with half fares for children between the ages of 5 and 12 years. Baggage is to be carried free up to a limit of 75 pounds on each half ticket, and 150 pounds on each

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full ticket. It is proposed to operate three round trips daily between Merced and El Portal on the following schedule:

Leave Merced	*Arrive El Portal*
8:00 a. m.	11:30 a. m.
12:30 p. m.	4:00 p. m.
6:00 p. m.	9:30 p. m.
Leave El Portal	*Arrive Merced*
8:00 a. m.	11:30 a. m.
12:30 p. m.	4:00 p. m.
4:30 p. m.	8:00 p. m.

The equipment proposed to be used is described as being parlor chair coaches, of 17 passenger capacity, with roofs so constructed as to permit of an unobstructed overhead view.

Applicant relies as justification for the granting of the desired certificate on the following alleged facts:

1. That, to applicant's knowledge, no public demand exists for the inauguration of auto stage service for the transportation of passengers and baggage between Merced and El Portal but applicant anticipates that public convenience may be served by the establishment of such auto stage service.

2. That applicant proposes to establish and maintain auto stage service between Merced and El Portal as a supplemental service to its present rail passenger service and to be coordinated with said rail service; that the resultant unified service would be in the best interest of the public in that passengers would have a choice of either rail or auto stage transportation between Merced and El Portal; and that this applicant is the only one in position to establish and maintain such unified rail and auto stage service.

3. That applicant, by reason of the construction of its railroad between Merced and El Portal, and the construction of a roadway between El Portal and the Yosemite Valley, and by reason of providing rail and highway transportation service over said railroad and highway, created and developed the direct route from Merced, via the Merced River Canyon, to the Yosemite Valley.

4. That through the efforts of applicant and by reason of its transportation service Yosemite National Park has been made readily accessible to great numbers of persons, many of whom would otherwise have found it impracticable or inconvenient to enter the Yosemite Valley.

5. That it would be unjust and unfair to authorize the establishment of a competing transportation service via the Merced Canyon route into the Yosemite Valley thereby depriving applicant of the results of many years of pioneering effort.

6. That applicant alone is in a position to establish an adequate auto stage service between Merced and El Portal which will be supplemental

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to and coordinated with the railroad service now rendered by applicant and therefore free from wasteful and uneconomic competitive effort.

Yosemite Valley Railroad Company filed herein its formal protest against the granting of the application of Yosemite Park and Curry Company, alleging in support of said protest:

1. That protestant created and provided the pioneer agency of transportation into the Yosemite Valley by the way of the canyon of the Merced River; that prior to the construction of protestant's railroad the sole means of access to the Yosemite Valley was afforded by stage lines, operated via circuitous routes, and maintaining service only during the summer and fall months.

2. That protestant's railroad was projected and constructed for the purpose of affording to the public a direct, expeditious and dependable means of transportation between Merced and the Yosemite Valley throughout the entire year.

3. That the protestant's railroad was completed and opened for passenger, freight and express traffic on or about May 15, 1907, and ever since such time has been accessible to the public by reason of offering daily service throughout the entire year; that by reason of the service so established and maintained by said railroad and its connecting lines of railroad there has been transportation provided between the Yosemite Valley and all important points in the State of California and in the United States; and that the large increase in the number of persons visiting the Yosemite Valley during the past nineteen years is due, in substantial measure, to the construction of protestant's line of railroad and the service furnished thereon.

4. That at the time of construction of protestant's line of railroad, said protestant constructed at its own sole cost and expense a roadway between El Portal and the Yosemite Valley; that the cost of constructing said highway was in excess of $80,000 for which no reimbursement has been made in whole or in part; that said roadway is still in existence and is now being used by applicant Yosemite Park and Curry Company, without charge or expense, for the transportation of passengers, baggage, freight and express between El Portal and Yosemite National Park.

5. That commencing in the year 1907, under the authority of a permit granted by the Secretary of the Interior of the United States, the promotors of protestant's line of railway established an auto stage passenger service between El Portal and the Yosemite Valley; that such service was continuously maintained until the year 1916; that in the year 1916, upon the solicitation of Yosemite Park Company, predecessor of applicant Yosemite Park and Curry Company, the right to conduct said auto stage passenger stage service was surrendered, to the end that said Yosemite Park Company might be able to render a complete

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service for the transportation of passengers between points in the Yosemite National Park; and that ever since such time said service has been rendered by said Yosemite Transportation Company and its successor, the applicant herein. That the right to conduct an auto stage service between El Portal and Yosemite National Park was surrendered under the reasonable expectation and belief that the relation between protestant and the Yosemite Transportation Company and its successors would be that of connecting and not competing carriers.

6. That the present relation between protestant and applicant is that of connecting carriers with the point of interchange for passengers, freight and express at El Portal; that, prior to March 19, 1926, the applicant was not in competition with protestant; that on said date applicant acquired the auto stage line and operative rights of Madera-Yosemite-Big Trees Auto Company and since such acquisition has been a competitor of protestant as regards the transportation of passengers, baggage and express between Merced and the Yosemite Valley. That it is the purpose of applicant to establish another auto stage service for the transportation of passengers, baggage and express between the Yosemite National Park and Merced, via El Portal; that such service will parallel and compete with protestant between Merced and El Portal; that if such service be authorized applicant will be able, and in the judgment of protestant, will divert large numbers of passengers and express traffic from the railroad of protestant resulting in serious detriment to the traffic and revenue of protestant.

7. That applicant by reason of its control of hotels, camps, garages and other services in the Yosemite Valley would be able, in the event its application were to be granted, to divert from protestant a large portion of the passenger business, and protestant denies that the service contemplated by applicant would be an integral part of its other services or would facilitate or promote the accessibility of Yosemite Valley for the public.

8. That applicant by reason of the maintenance of its agencies throughout the United States for the purpose of furnishing information as to means of reaching Yosemite Park, would be able, in the event of the granting of the application, to divert from protestant a large portion of the passenger traffic now handled on its railroad.

9. Protestant denies that public convenience or necessity would be served by the granting of application or that the granting of a certificate is justified.

10. That the railroad and equipment of protestant's railroad is properly maintained; that the service rendered is adequate, sufficient, dependable and fully responsive to the public need; that its rates and charges are reasonable; that to its knowledge no public demand exists

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for the inauguration of an auto stage service for the handling of passengers, baggage and express between El Portal and Merced.

11. That, with the exception of particular years and by reason of special and temporary conditions, protestant has never been able to derive sufficient net revenue from its transportation service to afford a just or adequate return on the original cost of its railroad; and that, in the event of the granting of the application, the traffic of the railroad would be seriously diminished, its revenue would be greatly curtailed and its ability to render adequate and efficient service would be seriously impaired, all to the prejudice of the public interest.

12. That, in the event of the granting of the application, the business developed by nineteen years operation of protestant's railroad would be destroyed; that the granting of the certificate sought would disregard the right of protection to protestant against unnecessary and unfair competition; and that if it should be found that public convenience and necessity require the establishment of the proposed auto stage service between El Portal and Merced, a certificate should be granted to protestant in conformity to its application filed herein.

Mr. Don Tresidder, president of applicant Yosemite Park and Curry Company, testified as to the present stage lines operated by his company and related the history of transportation into the Yosemite Valley, the first automobile stages having been operated over the Wawona route in 1915. This witness outlined the scope of the activities of the Yosemite Park and Curry Company and the obligation required by agreement with the federal government, through the Secretary of the Interior, calling for an expenditure of $2,500,000 during the first five years of the company's operations in Yosemite National Park, $1,000,000 of which amount will have been spent during the first year's operation, including an $825,000 fireproof concrete hotel which will be in operation prior to January 1, 1927. The company now operates a stage route from El Portal to Yosemite, a distance of 15 miles, such route furnishing a connection with the Yosemite Valley Railroad at El Portal. Over this route 42,568 passengers were transported in 1921 and 50,768 passengers in 1925, and during the 5-year period 1921 to 1925, inclusive, a total of 234,876 passengers were handled. From Fresno to Yosemite Valley three routes are operated, dependent upon road conditions at different periods of the year. The Fresno-Yosemite service was established in 1924 under authority of this Commission's Decisions Nos. 13686 and 13720 on Application No. 9107 after considerable request from Fresno and San Joaquin Valley points. During the first year of operation practically no passengers were carried, but in 1925 there was a substantial gain, although the line did not handle a large volume of patronage due to the preferential contract between the United States government and the Horseshoe Route which required

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passengers to change at Wawona to the stages of the Horseshoe Route, thence back to Big Trees and again to Wawona before entering the valley. In May, 1926, after the consolidation of the Horseshoe Route with the Fresno lines of applicant, more passengers were transported, although in an off-season month, than in the two previous years.

The Yosemite-Lake Tahoe route was established by authority of the Railroad Commission as contained in Decision No. 11749, as decided March 6, 1923. This route leads from Yosemite Valley to Carl Inn, thence across the canyon of Yosemite Creek through the Tuolumne Meadows to Tioga Lodge, thence over the Tioga Pass at an elevation of nearly 10,000 feet to Mono Lake and Bridgeport, thence through the Minden country over Kingsbury Grade to Lake Tahoe, a distance of 256 miles. This line was originally established following the request of Hon. Stephen T. Mather, director of national parks. The so-called Hetch Hetchy line also operates under the authority of the Railroad Commission's Decision No. 11749 of March 6, 1923.

The Big Trees-Glacier Point service operates from the Yosemite Valley to Wawona and the Mariposa Grove of Big Trees, returning to Chinquapin with a side trip of 28 miles to Glacier Point, thence returning to Yosemite Valley. This service during a 5-year period has handled 45,542 passengers. Local service is also operated in Yosemite National Park known as the valley floor division, carrying principally sightseeing tourists from the floor of the valley to Mirror Lake, Yosemite and Bridal Veil falls. This local service handled 303,846 passengers in the 5-year period ending 1925.

The Merced-Mariposa service was acquired from C. C. Schlageter on March 3, 1926, by authority as contained in the Railroad Commission's Decision No. 16070 on Application No. 12556. The Mariposa-Briceburg operative right was granted to Yosemite National Park Company by the Railroad Commission's Decision No. 11750 on Application No. 8738, as decided March 6, 1923.

The Briceburg-El Portal highway is approximately 16 miles in length and follows the Merced River, completing the highway access from Merced to Yosemite, via Mariposa, Briceburg and El Portal. Between Briceburg and El Portal the highway parallels the Yosemite Valley Railroad.

Mr. R. E. McCormick, assistant traffic manager of Yosemite Park and Curry Company, testified that his company had through fare arrangements with practically all railroads in California and with 40 to 45 other lines, also selling at its own offices tickets of the Yosemite Valley Railroad. The witness estimated that 60 per cent of the total ticket sales of the Yosemite Valley Railroad Company were made at the offices of the Yosemite Park and Curry Company, such tickets being sold without expense to the railroad as an accommodation to the patrons

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of the Yosemite Park and Curry Company, and to save patrons the time and trouble of securing tickets at the railroad office by furnishing tickets at the time arrangements were made for Yosemite accommodations and service.

Mr. Robert T. Williams, traffic manager of Yosemite Park and Curry Company, testified that he was directly in charge of the transportation activities of his company and personally came in contact with the public; that he was in close contact with railroad companies and travel agencies throughout the country and had furnished information and literature to some 101 railroads; that from 1921 to 1926 there were 59 separate publications distributed, dealing with the promotion of travel to Yosemite National Park, same being forwarded to the above mentioned railroads and to 140 tourist agencies, a total of 700,000 pieces of advertising matter being distributed during the current year; and that approximately $140,000 had been expended in advertising by means of newspapers and folders during the years 1921 to 1925, inclusive, and $75,000 was the anticipated expenditure for the current year.

The witness also testified as to the plans of his company for the encouragement of winter travel to Yosemite which would be made possible by additional facilities being available in the park and the establishment of additional service through the proposed stage line.

Mr. John Rieschel, superintendent of motor service of Yosemite Park and Curry Company, testified as to the character of equipment owned by such applicant, its method of operation and the ability of the company to satisfactorily handle peak loads.

Mr. D. T. Huffman, manager of the Horseshoe Division of Yosemite Park and Curry Company, testified regarding the historical record of public transportation into Yosemite. From his testimony it appears that the Washburn Brothers, operating the Yosemite Stage and Turnpike Company, began operations in 1864, using saddle and pack horses. About 1875 a wagon road was built and thereafter horse drawn stages were used. The first operation was from Merced, later from Madera, then from Raymond following the construction of the Southern Pacific's railroad to such point, and continuing from such point until a year following the construction of the Yosemite Valley Railroad when the operation was again commenced at Madera and continued until 1915. In the year 1916 operation was established out of Fresno and Merced and in 1917 the Fresno operation was abandoned and Merced has since been the point of departure for the Yosemite Valley. This witness stated that the establishment of Merced as a terminal was for the reason that a new highway was being built, with Yosemite Valley as its objective point, a considerable mileage of which was along a route that was practicable for his company and with the promise of a through route to the valley. The witness personally drove the first automobile

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stage via the Wawona road into the Yosemite Valley on June 2, 1915, and since that time there has been continuous service, during the season.

The executive committee of the Mariposa County Chamber of Commerce, the board of directors of the Stockton Chamber of Commerce, the board of directors of the Sacramento Chamber of Commerce, the board of directors of the Fresno County Chamber of Commerce, the Modesto Chamber of Commerce, and three of the supervisors of Mariposa County have endorsed the application of the Yosemite Park and Curry Company as evidenced by resolutions and letters filed in this proceeding.

It was stipulated that certain witnesses, if called, would each testify that they were familiar with the Yosemite Valley, its transportation facilities and problems; that they believed public convenience and necessity required the operation of an automobile stage service between Merced and Yosemite Valley via Mariposa and Briceburg; that they were familiar with both applications now being considered; that they believed the public interest would be best served by the granting of a certificate to the Yosemite Park and Curry Company; that they were acquainted with the public sentiment on the subject in Merced and vicinity and felt that the great majority of the public believe that a certificate should be granted to said Yosemite Park and Curry Company and that the public interest would be best served thereby. The witnesses referred to in this stipulation are D. H. Stoddard, capitalist; C. G. Benjamin, credit manager of the Hartman Department Store; Walter Miller, owner of Sanitary Milk Company; A. Stevenot, manager of El Capitan Hotel; L. Cornell, manager of the Grange Company and a director of the Merced Chamber of Commerce; G. C. Jones, one of the owners of the Merced Hotel and of the Fox Hotel at Taft; George Lady, manager of Lounsbury Garage; and R. Shaffer, president of Chamber of Commerce of Merced and chairman of Yosemite Diamond Jubilee, all residing at Merced.

Mr. Fred B. McCoy, Mr. C. L. Boothe and Mr. J. C. Grosjean, members of the board of supervisors of Mariposa County, endorse the granting of a certificate to the Yosemite Park and Curry Company, stating that Mariposa and other sections of Mariposa County will be greatly benefited by the establishment of the proposed service.

Mr. Fred T. Elsey, president of applicant Yosemite Valley Railroad Company, testified as to the historical and financial record of such company and its contention that if any public convenience and necessity be found justifying additional stage service between Merced and the Yosemite Valley, using the new road about to be completed between Briceburg and El Portal, that the certificate should be granted to his company rather than to a competitor proposing to duplicate the passenger service of the railroad as now rendered between Merced and El Portal.

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Mr. W. L. White, general manager of applicant Yosemite Valley Railroad Company, testified that he was in charge of the operation, traffic and general activities of such company. He described the operations of his company and explained the conditions under which application had been made by his company and his opinion that a material loss of passenger revenue would follow the granting of a certificate to a competing company. This witness explained several exhibits introduced on behalf of his company and said exhibits will hereafter be discussed.

Mr. Earl A. Bagby, secretary of California Transit Company, described the territory served by his company and the volume of its business, 18,000 to 22,000 stage miles being operated daily carrying approximately 3500 passengers. Eighteen schedules daily pass through Merced and the opening of the new road between Merced and El Portal offers opportunity to handle Yosemite business on joint schedules and through rates which California Transit Company has been unable to arrange with Yosemite Valley Railroad Company.

The witness stated that his company would prefer the granting of the application of the Yosemite Park and Curry Company, having been assured that through rates will be established by such company.

Mr. A. R. Linn, manager of Merced County Chamber of Commerce, testified that in his opinion public convenience and necessity would be served by the establishment of a stage line over the route herein sought. He favors the granting of a certificate to Yosemite Valley Railroad Company by reason of their present investment in transportation facilities.

Mr. John R. Graham, a business man of Merced; Mr. Corwin Radcliffe, publisher of the Merced Sun and Star; and Mr. Frank Pehley, chairman of the board of supervisors of Merced County, testified in behalf of Yosemite Valley Railroad Company and were of the opinion that if a certificate were to be granted it should be to the railroad on the basis of protection to the investment of the railroad company and in recognition of its pioneering of passenger service into the Yosemite Valley via the Merced River canyon route.

It was stipulated that Mr. R. Barcroft, a hardware and implement dealer; Mr. E. H. Renter, office manager of the Merced Produce Company; Mr. E. B. Maze, pharmacist; Mr. J. R. Cornett, general insurance; Mr. J. H. Hart, president, Farmers and Merchants Bank; Mr. E. W. Howard, president of Merced Hotel, all of Merced, and Mr. G. W. Egenhoff, president of the Original Mining Company at Clearing House, would testify that the Yosemite Valley Railroad Company was an enterprise of advantage and benefit to Merced and the surrounding communities; that to their knowledge it had fully performed its public duty as a carrier of passengers, freight and express; that the reputa-

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tion of its management and the relation of the carrier to the public were most cordial, and that, in their opinion, if public convenience and necessity were found to exist between Merced and El Portal, the certificate authorizing such operation should be granted to the railroad company.

The Yosemite Valley Railroad Company operates two round trips daily during the summer months on the following schedule:

Read Down				*Read Up*	
Lv. 1:20 p. m.	8:00 a. m.	Merced	Ar.	12:05 p. m.	4:35 p. m.
Ar. 5:20 p. m.	11:50 a. m.	El Portal	Lv.	8:30 a. m.	1:00 p. m.

Under the proposed combination stage and train service of this applicant the time schedule will be as follows:

Read Down.

	Train	*Stage*	*Stage*	*Train*	*Stage*
Merced	Lv. 4:00 a. m.	8:00 a. m.	12:30 p. m.	1:30 p. m.	6:00 p. m.
El Portal	Ar. 8:00 a. m.	11:30 a. m.	4:00 p. m.	5:20 p. m.	9:30 p. m.

Read Up.

	Stage	*Train*	*Stage*	*Stage*	*Train*	
Merced	11:30 a. m.	12:30 p. m.	4:00 p. m	8:00 p. m.	1:00 a. m.	Ar.
El Portal	8:00 a. m.	9:00 a. m.	12:30 p. m.	4:30 p. m.	9:00 p. m.	Lv.

The time schedule proposed by applicant Yosemite Park and Curry Company, as hereinabove referred to, outlines five round trips daily. The elapsed time between Merced and El Portal by the stage service proposed by Yosemite Valley Railroad Company is 3½ hours to which must be added the time required for the stage trip from El Portal and Yosemite, now requiring 1¼ hours by the stages of the Yosemite Park and Curry Company, or a total elapsed time of 4¾ hours, assuming direct connection is to be made at El Portal and making no allowance for delay in transfer at such point. The time schedule proposed by the Yosemite Park and Curry Company provides for the continuous trip between Merced and El Portal to be made in four hours.

The rates proposed by the respective applicants are as follows:

	Between Merced and El Portal	
	One way	*Round trip*
Yosemite Valley Railroad Company	$5.00	$7.50
Yosemite Park and Curry Company	5.00	6.75

Half fare rates for children (ages 5 to 12) are proposed by both applicants.

The free baggage allowance proposed by Yosemite Park and Curry Company is 40 pounds with excess baggage at a rate of 2½ cents per pound.

The free baggage allowance proposed by Yosemite Valley Railroad Company is 150 pounds on each full ticket, 75 pounds on each half

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ticket, with excess baggage at a rate in accordance with the provisions of Western Passenger Bureau Tariff No. 25-5, C. R. C. No. 52.

From an exhibit filed it appears that there are 42 stage and train arrivals daily at Merced between the hours of 12.40 a.m. and 10.33 p.m. of which number 8 are trains of The Atchison, Topeka and Santa Fe Railway Company, 16 are trains of the Southern Pacific Company, and 18 are stages of the California Transit Company.

The record shows a constantly increasing number of visitors to Yosemite since the automobile stage service was first authorized to operate into the park by the federal authorities. The record showing the number of visitors and their method of access to the park for the past nine years, as compiled from annual reports of the National Park Service, is as follows:

			Years		
Visitors	1916	1917	1918	1919	1920
Private cars	14,257	22,456	26,699	42,900	46,074
Auto stage (excluding El Portal)	3,032	2,603	2,330	3,237	3,525
Yosemite Valley Railroad	14,251	8,612	3,894	11,043	18,111
Wagon, horseback and foot	1,508	839	516	994	1,010
Motorcycles	-----	-----	88	188	186
Via Hetch Hetchy	-----	-----	-----	-----	-----
Totals	33,390	34,510	33,527	58,362	68,906

			Years		
Visitors	1921	1922	1923	1924	1925
Private cars	64,566	64,737	87,870	73,718	155,743
Auto stage (excluding El Portal)	3,629	4,311	4,528	4,251	3,848
Yosemite Valley Railroad	20,969	23,552	26,987	20,157	25,614
Wagon, horseback and foot	2,159	1,930	-----	-----	-----
Motorcycles	190	188	-----	-----	-----
Via Hetch Hetchy	-----	5,788	7,188	6,549	5,590
Totals	91,513	100,536	130,046	146,070	209,166

The application of the Yosemite Valley Railroad Company has evidently been filed on the basis of protecting the passenger service now enjoyed by such company's rail operation, the evidence of officials of the company showing that if an application had not been filed for authority to conduct the proposed service, no authority would have been sought by the railroad.

The passenger earnings of the Yosemite Valley Railroad Company for the past ten years are shown in the following statement:

Year	*Passenger revenue*	*Percentage of passenger revenue to total revenue*
1916	$109,474 73	49.00 per cent
1917	130,910 91	42.07 per cent
1918	74,444 72	33.56 per cent
1919	153,572 55	45.29 per cent
1920	256,481 03	49.45 per cent
1921	283,893 97	44.47 per cent
1922	292,205 45	42.79 per cent
1923	335,504 52	48.68 per cent
1924	265,994 72	40.17 per cent
1925	358,233 66	24.71 per cent

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The abnormally low percentage of passenger revenue for the year 1925 is accounted for by the fact of an increase in freight earnings during such year, amounting to $747,422.50 over the freight earnings of 1924, and accounted for by construction work of the Merced Irrigation District which resulted in a large and profitable freight movement.

The position of the Yosemite Valley Railroad Company as shown by the record herein is that public convenience and necessity require the proposed service; that the railroad company has a prior right and should receive the certificate; that the investment of the railroad company is in jeopardy if the application of the Yosemite Park and Curry Company were to be granted and that such investment should be protected against any competition that would impair its traffic and revenue; that the authorization of a competing stage carrier will divert an increasing proportion of business from the railroad to the stage route, thereby threatening serious injury to the railroad; and that the physical condition of the railroad and its record of service are such as to afford the public reasonable assurance of efficient conduct of the proposed coordinated rail and stage service, which proposed service is in the public interest.

The matter of duplication of service as appearing in these proceedings differs materially from the situation usually presented. The Yosemite Park and Curry Company, as successor in interest, now operates under the authority of this Commission service between El Portal and Yosemite, between Merced and Yosemite via Wawona (the so-called Horseshoe Route), between Merced and Mariposa, and between Mariposa and Briceburg. The construction of a new highway between Briceburg and El Portal, a distance of approximately 16 miles, offers an all-year highway open to the public between Merced and the Yosemite Valley. This applicant's access to the Yosemite Valley from Merced via Mariposa and Wawona has heretofore been, and in future must be, seasonal due to the closing of this route by snow conditions during the winter months, the route reaching an elevation of 6256 feet at the summit (Chinquapin Ranger Station), whereas the maximum elevation on the route between Merced and El Portal is 2973 feet, being found at Bear Creek Summit between Maricopa and Briceburg. The development of Yosemite National Park as to all of its activities has been delegated to the Yosemite Park and Curry Company by the federal government and under a contract heretofore mentioned. Under this contract the Yosemite Park and Curry Company is obligated to make material expenditures for the benefit of the public and adequate transportation within the park boundary is also a requirement imposed by federal authority. The record shows the consolidation of the stage lines within the park boundary to have been arranged for with the approval of the national park officials. One of these lines has operated

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continuously since 1864, commencing with horse-drawn stages, long prior to the construction of the Yosemite Valley Railroad. The line from Merced to Mariposa operated under certificate from this Commission as granted on March 3, 1920, by Decision No. 7207 on Application No. 5052. The line from Mariposa to Briceburg operated under certificate from this Commission as granted on March 6, 1923, by Decision No. 11750 on Application No. 8738. It therefore appears that claims as regards priority rights or historical record as to earliest method of access to Yosemite Valley are equally present with each applicant. It is equally certain that the establishment of service between Merced, Mariposa and Briceburg would duplicate already existing stage service against which there has been no complaint as to rates, schedules or other features of operation.

The extensive development of the attractiveness of Yosemite National Park with the winter season being pioneered and intensive effort being made to augment normal vacation and summer travel should develop business sufficient for both carriers, but to retain its just proportion of such new and developing business activity must be shown and genuine effort expended. The Yosemite National Park is intended to be a playground for the people, not alone of California but for all other states.

Consistent effort is made by the federal officials in charge of the national parks to attract the public and to render the park accessible to all classes of citizens, and in this development the Yosemite Valley Railroad must participate fully if it is to enjoy a return from passenger revenue to be derived from such source.

After full and careful consideration of the record and the many exhibits therein we conclude therefrom that public convenience and necessity will best be served by the conditional granting of both applications, thereby preserving for the public the competition heretofore present as regards access by a choice of either train or stage to the Yosemite National Park. The order will provide for an equalization of the round trip rates proposed, and for an adjustment as to the free baggage privilege.

No showing having been made by applicant Yosemite Park and Curry Company for the transportation of express, such portion of said application will be denied.

ORDER.

Public hearings having been held on the above entitled applications, the matters having been consolidated for the purpose of receiving evidence and for decision, having been duly submitted, the Commission being now fully advised and basing its order on the statements and findings of fact as appearing in the opinion which precedes this order:

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The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Yosemite Park and Curry Company, a corporation, of an automobile stage line as a common carrier of passengers and baggage between Merced and El Portal via Mariposa, Briceburg and the recently completed state highway between Briceburg and El Portal, not as a new and separate operating right but as additional to and a portion of the stage system operated by said Yosemite Park and Curry Company to, from and in Yosemite National Park in so far as said operation is subject to the jurisdiction of this Commission; and

It is hereby ordered, that a certificate of public convenience and necessity be and the same hereby is granted to Yosemite Park and Curry Company, a corporation, for the operation of an automobile stage line as a common carrier of passengers and baggage in accordance with and over the route hereinabove set forth in the foregoing declaration; provided, however, that the authority hereby conveyed does not authorize the carriage of express matter between Merced and El Portal either locally or as part of any through operation created by authority hereby conferred for through operation of stages for the transportation of passengers and baggage; and, provided, further, that the right and privileges hereby granted are subject to the following conditions:

1. Applicant Yosemite Park and Curry Company shall file with the Railroad Commission its written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed thirty (30) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed sixty (60) days from date hereof.

2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. No vehicle may be operated by applicant Yosemite Park and Curry Company unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Yosemite Valley Railroad Company, a corporation, of an automobile stage line as a common carrier of passengers and baggage between Merced and El Portal, via Mariposa, Briceburg and the recently constructed state highway between Briceburg and El Portal, as a coordinated service

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with the railroad service now operated by said applicant between Merced and El Portal; provided, however, that no service shall be rendered locally to intermediate points between Merced and Briceburg; that the round trip fare between Merced and El Portal shall be reduced to $6.75; and that the free baggage allowance of 150 pounds for each full-fare ticket shall be reduced to 40 pounds.

It is hereby ordered, that a certificate of public convenience and necessity be and the same hereby is granted to Yosemite Valley Railroad Company, a corporation, for the operation of an automobile stage line as a common carrier of passengers and baggage between Merced and El Portal, via Mariposa and Briceburg, and subject to the following conditions:

1. The authority hereby conveyed does not include the right to transport express or freight, being limited to the carriage of baggage on the basis of 40 pounds of baggage being handled free on each first-class ticket.

2. No authority is hereby conferred for the transportation of passengers locally to points intermediate between Merced and Briceburg.

3. Applicant Yosemite Valley Railroad Company shall file with the Railroad Commission its written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from the date hereof; shall file, in duplicate, tariffs of rates and time schedules within a period of not to exceed thirty (30) days from date hereof, such tariffs of rates and time schedules to be in accordance with those attached to the application herein and amended to conform to the conditions in the foregoing declaration, and/or in form and substance satisfactory to this Commission; and shall commence operation of said service within a period of not to exceed sixty (60) days from date hereof.

4. No vehicle may be operated by applicant Yosemite Valley Railroad Company unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

5. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

For all other purposes than those hereinabove referred to in this order, the effective date of this order is hereby fixed as twenty days from the date hereof.

Dated at San Francisco, California, this ninth day of November, 1926.

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DECISION No. 17585.

IN THE MATTER OF THE APPLICATION OF PICKWICK STAGES SYSTEM TO LEASE FROM UNITED STAGES, INC., AND THE LATTER TO LEASE TO THE FORMER ALL OF THE OPERATIVE AUTOMOBILE STAGE RIGHTS OF THE UNITED STAGES, INC.

Application No. 13051.

Decided November 9, 1926.

TRANSFER—AUTO STAGES—TO LEASE AND SELL—STOCK—TO ISSUE.—United Stages, Inc., authorized to lease for five years and to sell its operative rights and properties to Pickwick Stages System for $200,000 common capital stock of the purchasing corporation, and to issue capital stock of that amount therefor.

Warren E. Libby, for Pickwick Stages System.
H. W. Kidd, for United Stages, Inc.
Robert G. Hill, for Frederick Ernsting et al., applicants for permission to intervene.

BY THE COMMISSION.

OPINION.

In this proceeding the Railroad Commission is asked to make an order authorizing the United Stages, Inc., to lease all of its operative rights to the Pickwick Stages System; authorizing the United Stages, Inc., to sell its properties described in Exhibit "E" to the Pickwick Stages System; and authorizing the Pickwick Stages System to pay therefor $200,000 of its common capital stock, all as more particularly described hereinafter.

On July 24, 1926, applicants entered into a lease and option agreement, subject to the approval of the Railroad Commission. By virtue of this agreement the United Stages, Inc., is obligated to lease its operative rights referred to herein to the Pickwick Stages System for a period of five years, at an aggregate rental of $150,000 payable in monthly installments of $2,500. Upon the termination of the five-year period the Pickwick Stages System has the option to acquire the operative rights upon the payment of $1 additional. The operative rights to be transferred, and which are referred to in the lease and option agreement, are the operative rights for the transportation of persons and property described in the following decisions: Decision No. 9930 in Case No. 1473; Decision No. 6730 in Application No. 4593; Decision No. 8551 in Application No. 4682; Decision No. 8452 in Application No. 6363; Decision No. 16408 in Application No. 9783; Decision No. 13131 in Application No. 9557; Decision No. 13695 in Application No. 10164; Decision No. 7450 in Application No. 5569; Decision No. 9645 in Application No. 7279; Decision No. 9755 in Application No. 7322; Decision No. 11687 in Application No. 8637; Decision No. 11802 in Application No. 8777; Decision No. 12081 in Application No. 8993; Decision No. 12096 in Application No. 8995; Decision No. 12103 in

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Application No. 9019; and Decision No. 7949 in Application No. 5882.

A copy of the proposed lease and option agreement is filed in this proceeding as applicant's Exhibit "D." The United Stages, Inc., operates stages between the cities of Los Angeles and El Centro; Mecca and Blythe; El Centro and Brawley; El Centro and Calexico; El Centro and Yuma; El Centro and Holtville; and all intervening points.

While applicants refer to the payment of a rental of $150,000 for the operative rights in question, it occurs to us that such payment covers not only operative rights, but also all other elements of value of an intangible nature. Through the payment of the $150,000 plus the payment of $1 at the end of the five-year rental period Pickwick Stages System acquires the good will or going concern value of United Stages, Inc., as well as its right to operate stages over the routes to which reference has been made.

By its order of October 16, 1926, the Commission denied the petition in intervention filed by Robert G. Hill, on the ground that the matter set forth therein had received the attention of the Commission in Decision No. 9930 in Case No. 1473; Decision No. 10034 in Application No. 5937; and Decision No. 12166 in Case No. 1902. It is for the courts rather than this Commission to determine what interest, if any, Frederick Ernsting et al. may have in the operative rights claimed by the United Stages, Inc.

Section 52 of the Public Utilities Act reads in part as follows:

> The Commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

This provision of section 52 herein referred to has been incorporated into section 6 of the Auto Stage and Truck Transportation Act. There was no showing made as to the amount actually expended by United Stages, Inc., or its predecessors in obtaining the operative rights which it now desires to lease and sell to Pickwick Stages System. It is obvious that the $150,000 referred to in Applicant's Exhibit "D" can not be recognized as a basis for the issue of stock by Pickwick Stages System, were such payment construed as the consideration received by the United Stages, Inc., for its operative rights. Applicants, however, designate the payment of $150,000 as rent. Under the uniform classification of accounts prescribed by the Commission for automotive transportation companies, rent payments, such as are referred to in this application, are a charge to income account. No part of the $150,000

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payment may be charged to any asset or operating expense accounts of Pickwick Stages System.

On September 13, 1926, applicants filed in this proceeding a supplemental petition in which they asked that the United Stages, Inc., be permitted to transfer to the Pickwick Stages System the properties which they described in their Exhibit "E." The assets described therein are as follows:

Notes receivable	$10,000 00
Inventories	12,280 87
Calexico Depot	4,500 00
El Centro Depot	4,000 00
Brawley Depot	2,000 00
Imperial	2,000 00
Land—Banning	12,000 00
Office furniture and fixtures	4,491 58
El Centro garage equipment and tools	1,828 45
Los Angeles garage equipment and tools	2,470 50
Robes and blankets	120 25
Car equipment:	
91—14-passenger White 30	2,000 00
93—14-passenger White 20	2,000 00
96—14-passenger White G M 45	4,316 08
97—14-passenger White G M 45	4,405 51
98—14-passenger White G M 45	2,783 84
102—18-passenger White 30	3,504 03
105—11-passenger Cadillac	5,193 73
106—14-passenger Pierce Arrow	6,785 57
107—Stevens Roadster	1,896 45
109—18-passenger White 30	3,396 98
110—14-passenger Pierce Arrow	6,345 31
111—Lincoln 7	1,131 75
112—Stevens shop car	500 00
113—14-passenger White G M 45	6,066 42
114—18-passenger Pierce Arrow	8,560 90
115—18-passenger Pierce Arrow	8,728 03
116—18-passenger Pierce Arrow	8,665 24
117—18-passenger Pierce Arrow	8,913 12
118—Chrysler Sedan	1,502 52
119—Chrysler Sedan	1,430 38
120—14-passenger Pierce Arrow	4,811 50
121—11-passenger White G M	3,045 64
122—11-passenger Cadillac	2,849 93
1—22-passenger Pierce Arrow Sedan type C	10,000 00
2—14-passenger Packard	17,000 00
2—14-passenger Pierce Arrow	17,000 00
Total	$198,524 58

The notes receivable included in the assets which the Pickwick Stages System intends to acquire represent the balance due from Pickwick Stages System to the United Stages, Inc., on account of the sale of assets by the United Stages, Inc., to the Pickwick Stages System or its predecessor. It is of record that the value assigned to the remaining assets was determined upon by representatives of the United Stages, Inc., and Pickwick Stages System. The assets are to be transferred free and clear of all indebtedness. The land in Banning valued at $12,000 will be used by the Pickwick Stages System for a depot site. It

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is of record that all of the stage equipment is now being operated by the United Stages, Inc., and that upon the acquisition of it by the Pickwick Stages System that corporation will continue the equipment in operation, on practically over the same routes where the equipment is now used. To acquire the assets described in Exhibit "E" plus $1,475.42 in cash, Pickwick Stages System asks permission to issue $200,000 of common stock.

ORDER.

The Commission having considered the requests of applicants in this proceeding and being of the opinion that the transfer of the operative rights and properties referred to herein should be authorized, subject to the provisions of this order, and that the money, property or labor to be procured or paid for by the issue of $200,000 of stock of the Pickwick Stages System is reasonably required by said corporation, and that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income; therefore,

It is hereby authorized as follows:

1. United Stages, Inc., and Pickwick Stages System are hereby authorized to execute a lease and option agreement substantially in the same form as the lease and option agreement filed in this proceeding and marked Exhibit "D," provided that none of the rent ($150,000) which the Pickwick Stages System has agreed to pay under the terms of said lease and option agreement be charged to any asset or operating expense accounts.

2. United Stages, Inc., be and it is hereby authorized to transfer to the Pickwick Stages System the properties described in Exhibit "E" filed in this proceeding, which properties the Pickwick Stages System is hereby authorized to acquire, and to issue in payment therefor $200,000 of its common capital stock, provided that it receive in addition to the properties described in said Exhibit "E," $1,475.42 in cash.

The authority herein granted is subject to further conditions as follows:

a. United Stages, Inc., shall cancel immediately all tariffs heretofore filed with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission, and Pickwick Stages System shall file immediately new tariffs in duplicate in its own name, such tariffs to be identical with those heretofore filed by the United Stages, Inc., or rates and time schedules satisfactory to the Railroad Commission.

b. The authority herein granted to transfer the property and lease operative rights shall not be construed as in any manner whatsoever enlarging the operative rights now possessed by the United Stages, Inc.; nor shall it be construed as authorizing Pickwick Stages System to

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merge or consolidate the rights herein transferred with the existing rights of the Pickwick Stages System.

c. The rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred or assigned unless written consent of the Railroad Commission has first been secured.

d. No vehicle may be operated by Pickwick Stages System unless such vehicle is owned by it or is leased under a contract or agreement on a basis satisfactory to the Commission.

e. The authority herein granted will become effective when Pickwick Stages System has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $150.

f. Pickwick Stages System shall keep such record of the issue and delivery of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this ninth day of November, 1926.

DECISION No. 17588.

IN THE MATTER OF APPLICATION OF NORTHWESTERN PACIFIC RAILROAD COMPANY, FOR AN ORDER AUTHORIZING THE RELOCATION OF SINGLE TRACK AT GRADE AND THE CONSTRUCTION OF A SECOND TRACK AT GRADE ON AND ALONG SECOND STREET AND ACROSS B, C, D AND E STREETS, IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA.

Application No. 12917.

Decided November 10, 1926.

GRADE CROSSINGS—ELECTRIC RAILROAD—TO RELOCATE—ADDITIONAL CROSSINGS—TO BUILD.—Application granted conditional upon applicant replacing third rail with overhead electric trolley at the crossings involved, and installing automatic flagmen.

Ralph W. Palmer, for Applicant.
Jordan L. Martinelli, for City of San Rafael on behalf of applicant.
Joseph K. Hawkins, for Mrs. Catherine Walsh, protestant.
Mrs. Mary Zappetine, Protestant, *in propria persona*.
Mrs. Rose E. Dias, Protestant, *in propria persona*.

BY THE COMMISSION.

OPINION.

This is an application by Northwestern Pacific Railroad Company for an order authorizing the relocation of the present single track of its suburban electric line to San Rafael at grade and the construction of a second track for said line at grade on and along Second street and across B, C, D and E streets, in the city of San Rafael, county of Marin, State of California.

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A public hearing was held at San Rafael on September 8, 1926, before Examiner Austin, at which time the matter was submitted.

The Northwestern Pacific Railroad Company serves San Rafael with two lines of electric railroad operated by propulsion current carried at a voltage of 600 volts along a third rail which is approximately 4 feet 8 inches from the center line of track and 6 inches above top of track rail. The most important of these two lines, which is the one under consideration in this proceeding, enters San Rafael from the west by way of San Anselmo. The other line enters San Rafael from the southeast via Greenbrae and does not traverse the streets covered by this application.

The Northwestern Pacific Railroad operates on Second street in San Rafael under rights granted by the board of supervisors of the county of Marin on February 8, 1873, to North Pacific Coast Railroad Company, predecessor in interest of the Northwestern Pacific Railroad Company. The minutes of that date show the following proceedings:

> Minutes of Board of Supervisors, Marin County, February term, 1873—Saturday, Feb. 8, 1873.
>
> Under the application of the North Pacific Coast Railroad Company, San Francisco, February 8th, 1873, to the Honorable Board of Supervisors of Marin County.
>
> The North Pacific Coast Railroad Company have completed the line of survey of the road into and through the village of San Rafael the street through which the line is surveyed is Second Street, from the head of said street when it abutts against the lot occupied by the wood yard of Isaac Shaver and thence down through the length of said street, said Company now petition your Honorable Board to be allowed to lay down its line of road through said street and your petitioner will ever pray, etc.
>
> THE NORTH PACIFIC COAST RAILROAD COMPANY,
> (Signed) A. D. MOORE, President.
>
> Ordered by the Board that said petition be and the same is hereby allowed.

It is to be noted that the rights, though granted to a company operating a narrow-gauge railroad, do not specify the kind of railroad or the motive power to be used. Although Mr. James K. Hawkins, representing Mrs. Catherine Walsh at the hearing, stated that he believed this franchise was amended to cover electric operation in 1903 by the city of San Rafael, the applicant has advised the Commission that it does not find any record of such change or amendment.

There appears to be two matters before the Commission in this proceeding: first, the construction and relocation of crossings across certain streets; second, the safety to the public in constructing the double track operated by third rail in and along Second street. These two matters are so related that the first can only be granted in conjunction with the second. The matter of establishing the crossings will be discussed first. It appears from the testimony and the report of Assistant Engineer L.

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R. Kessing of the Commission's staff, that the individual crossings are described as follows:

At B street it is proposed to shift the tracks slightly to the north, in order that travel on the southerly side of Second street may enter B street without crossing the track, as is now necessary with the single track in its present position. This rearrangement will do away with the necessity of the present Second street crossing, which is narrow and in very poor condition.

The existing B street crossing is type 3 construction of plank with guard rail and is in good condition although the asphalt paving along the northerly edge of the planking is broken down and needs repairing. There are rooming houses on all four corners of the crossing, which cut off the view until one has passed the property line. The street grades are 2½ per cent on each side of the present crossing. The present single track crosses the street intersection on a 10 degree curve. The proposed double track crossing will be on a 17° 30′ curve with the same street gradients. The street is paved the full width between curbs and the plank crossing extends the full width of the paving.

The crossing at C street is of type 2 construction, of plank with gravel filling, and is only 16 feet wide. The crossing needs gravel, is in poor condition and needs widening. The street is of macadam construction and paved from curb to curb. The present crossing has a level approach 24 feet to the north, then up on a 7 per cent grade. It has a 5½ per cent down grade to the south for about 30 feet. It is proposed to lower the tracks across C street almost two feet which will give a straight 7 per cent grade on the north side and a level grade on the south side of the crossing. There are houses on three corners of this street intersection and a lot with a cypress hedge along the property line on the northwest corner. It would appear desirable to remove this hedge. This street appears from its construction to be of less importance than B, D and E streets.

D street is paved with asphalt 18 to 20 feet wide. It appears to be an important street. The street intersection is blind on the northwest and southeast corners. There is an open lot on the northeast corner and an open yard on the southwest corner. The crossing is of plank the same width as the paving and is very uneven. The approaches to the existing track at C street are level for about 50 feet and then up 2½ per cent to the north and down 2½ per cent to the south. It is proposed to lower the tracks at this street about one and one-quarter feet.

E street is paved between curbs but the track crossing, which is of plank, is in poor condition and only 15 feet wide. The gravel filling on each end of the planks is insufficient. The street intersection is blind on all four corners. The approach grades to the crossing are level

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for about 30 feet and then up to the north on a 6 per cent grade. On the south side the approach is about 4 per cent down to the south. It is proposed to lower the tracks at E street about one and one-half feet, the eastbound track being 3½ inches lower than the westbound track. It has been found by experience that a difference in elevation of more than 2 to 2½ inches between tops of rails of double track crossings give very poor riding qualities to the crossing and the tops of rails on all double track crossings should be kept within that limit and as near the same elevation as possible.

West of E street the roadways are on private right of way. The crossings of the tracks to reach the alley on the north of the right of way between E and Shaver streets is in particularly poor condition between the rails and on the south approach. The crossing needs filling between the rails.

The crossings of B, C, D and E streets are all protected by standard crossing signs and by fixed light signals which flash red on the approach of trains. These light signals are rather hard to see from automobiles on the opposite side of the street when nearly even with the signal or close to the track. There are about fifty-five interurban trains operated daily over these crossings at speeds restricted to ten miles per hour.

It appears that there will be some increase in hazard on these street crossings from train operation on double track as compared to the present operation on single track due to the probability of two trains approaching the crossing from opposite directions at the same time. However, this increase in hazard can be neutralized to some extent by improving the character of the crossing protection afforded. Also such increase in hazard is probably more than offset by the other public conveniences which will be afforded by the installation of the double track. It is the opinion of the Commission that the portion of this application requesting permission to construct double track crossings should be granted, provided certain conditions of hazard to the public shall be eliminated from the plan proposed in the application for operation along Second street.

That portion of the application referring to operation in and along Second street will now be discussed.

Second street runs from E street on the west to the vicinity of Grand avenue, a north and south street about two blocks east of the Northwestern Pacific main line to Eureka. It crosses the toll road leading to the Richmond-San Rafael ferry near its crossing with the railroad main line. Second street is shown on the maps filed with the application as being 56½ feet in width between property lines and having 10 and 11 foot sidewalks. From E street to B street, it is occupied

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along its center line by the single track of the Northwestern Pacific Railroad Company's electric suburban line equipped with third rail. West of E street and east of B street, the railroad enters private right of way. The three blocks between B and E streets are chiefly residential. The third rail is protected by wooden guards mounted on one side and along the top, the side facing the track being open. The single track third rail line is fenced on both sides and at every street intersection a warning sign is posted on the fence as follows:

DANGER

Private Property

This road is operated by an electric rail.
Walking on the tracks or other
trespassing is forbidden.
Keep off.

Such a sign is nothing more than the company's public announcement of the generally accepted fact of the hazard of this type of construction, even on private property.

The record shows that Second street and the track thereon are both in a very bad state of repair. It is proposed in the application to double track the railroad line, to cut back the sidewalks from 10 feet to 8 feet on the north side of the street and from 11 to 8 feet on the south side of the street, to pave the street up to the gauge lines of the inside rails of the double track and to construct a fence down the center of the street between the two tracks with a third rail on each side of the fence, the third rails to be protected by wooden guards along the top of the rails and along the sides facing the fence. The sides facing the pavement are shown unprotected on the plans submitted with the application, but it was stated by witness for applicant that a wooden guard could also be placed on the track side of the third rails.

It appears from the record that the city of San Rafael is very desirous of improving and paving second street in order to relieve the present unsatisfactory conditions on this street and to relieve traffic conditions on Fourth and Fifth streets, the main east and west arteries through San Rafael.

Mayor D. B. Bowman of San Rafael testified that the communities northwest and west of San Rafael have been growing rapidly and that a great deal of the sand and gravel used in building in those districts is hauled by truck along Fourth and Fifth streets, and that as a result these two streets are overloaded and overcrowded and the pavements are breaking down. He further testified the city authorities are de-

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sirous of improving an additional street to take the industrial traffic and had picked Second street for several reasons, namely:

(1) Third street does not extend west of E street;

(2) First street is interfered with and made narrow between D and E streets by a creek;

(3) Second street is in need of repair and is now too narrow.

It appears from the record that Second street, like Third street, does not now extend west of E street, that the Northwestern Pacific Railroad Company does not intend to donate its right of way west of E street for street purposes and that the condemnation of railroad property and construction of the street along and over the creek between E and Shaver streets would probably be as difficult and expensive as the construction of a street along the creek on First street. It further appears that First street extends west to West End avenue, where it connects with the through state highway to San Anselmo and other points.

At the present time not more than 23 feet of Second street is devoted to vehicular traffic, approximately 10 feet lying north of the track fence and 13 feet south of the fence. Both roadways are too narrow for two wide vehicles to pass, and the north side is too narrow for two pleasure cars to pass. Parked cars must encroach on the sidewalk area.

Under the proposed double tracking it would be impossible to erect fences at standard clearance outside of the double track as there would be only five feet three inches left for vehicles, which is not wide enough for one automobile. With a train on the street about 8½ feet are left for vehicular use which is too narrow for an automobile to pass between the train and a parked car. Trains will, therefore, slow up vehicular traffic on this street, which would not be the case on First or Third street.

The representatives of the engineering department of the Commission took the position at the hearing that the driving of vehicles along this street under the proposed double track construction would present considerable hazard in that vehicles whose wheels might accidently drop over the inside track rail might collide with the third rail structure and knock it down with disastrous results. Mr. Brainerd, city manager, testified that if a heavy vehicle dropped over the rail it would probably have to travel to the next street intersection before regaining the pavement. Such a condition would present a hazard of accident in case a train were moving along behind such a vehicle. The railroad superintendent testified that it had been proposed to slope the paving from the outside rails down to the base of the inside rails, but the city manager said that such a thin paving would not stand up under traffic and

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was objectionable. The city representatives stated that a plan had been suggested whereby the third rail would remain dead except at such times as trains were passing, but the railroad witnesses testified that plans for such a device had not been perfected and no estimates had been made as to the cost of such an installation.

Mrs. Rose Dias, property owner, testified that a petition had been drawn up and presented to the city trustees of San Rafael by a number of property owners of Second street in which they opposed the cutting down of the sidewalks for the installation of a double track third rail system but were willing to give part of the sidewalk if overhead trolleys were installed. City Manager Brainerd testified that a trolley system would be more desirable. Mrs. Dias, personally, objected to the installation of the proposed third rail on account of the hazard to children. She cited an accident which occurred two years ago in which an automobile was struck at E street and dragged between D and E, where it caught fire and also set the train on fire. She also cited a recent accident at the west part of town where a grocery delivery boy was thrown across the third rail. It also appears that a young Chinese girl was electrocuted on the main and third rail at Ross about a month previous to the hearing.

In this state other interurban electric railroads operating by means of third rail are operating through urban and suburban communities of the type of San Rafael with overhead trolley construction. It appears to the Commission that the installation of the proposed double track third rail system is not in the interest of public safety and is, in fact, more hazardous than the existing fenced single track line and that the improvement of First street would present less hazard to vehicular traffic, particularly truck traffic, than the plan suggested in this proceeding for improving Second street. If the double track is to be constructed and Second street paved as proposed, the Commission is convinced that it should only be done provided the third rail system is replaced with an overhead trolley installed where the tracks are to occupy a public street.

The pending application will be therefore granted only under such conditions.

ORDER.

Northwestern Pacific Railroad Company, a corporation, having made application for an order authorizing the relocation of single track at grade and the construction of a second track at grade on and along Second street and across B, C, D and E streets, in the city of San Rafael, county of Marin, State of California, a public hearing having

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been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that Northwestern Pacific Railroad Company be and it is hereby authorized to relocate a single track at grade and to construct a second track at grade on and along Second street and across B, C, D and E streets, in the city of San Rafael, county of Marin, State of California, as follows:

Commencing at a point in the westerly line of E street at its intersection with the center line of Second street; running thence in an easterly direction on a tangent along the center line of Second street, crossing E, D and C streets a distance of nine hundred seventy-one and four-tenths (971.4) feet to a point of curve; thence leaving the center line of Second street and running on a curve to the right increasing 4° to each thirty (30) feet a distance of one hundred one and three-tenths (101.3) feet to a point of compound curve; thence continuing on a curve to the right with a radius of three hundred twenty-seven and seventy-two hundredths (327.72) feet, a distance of twenty-three and two-tenths (23.2) feet to a point in the westerly line of B street; thence continuing on the curve to the right with a radius of three hundred twenty-seven and seventy-two hundredths (327.72) feet, a further distance of seventy-one and one-tenth (71.1) feet to a point in the easterly line of said B street, distant five and forty-three hundredths (5.43) feet, measured southerly along the easterly line of B street from the southeast corner of Second and B streets; and as shown by the map (C. E. 1734-C-44) attached to the application; said trackage to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings of B, C, D and E streets, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to those portions of said street now paved, but in no case less than 24 feet, with the tops of rails flush with the pavements, and with not more than 2 inches difference in elevation between tracks except at B street, and with grades of approach as shown on drawing C. E. 1734-F-44 attached to the application; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) An automatic flagman shall be installed and maintained for the protection of said crossings at the sole expense of applicant, said auto-

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matic flagman to be of a type and installed in accordance with plans or data approved by the Commission.

(4) Applicant shall, within thirty days thereafter, notify this Commission in writing of the completion of the installation of said crossings.

(5) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

It is hereby further ordered, that Northwestern Pacific Railroad Company be and it is hereby authorized to relocate its single track at grade on and along Second street from B to E street and to construct a second track on and along Second street from B to E street, all in the city of San Rafael, county of Marin, subject to the following conditions and not otherwise:

(1) Said tracks shall be equipped with overhead trolley instead of third rail construction, as applied for in application and as now exists on single track.

(2) Said Second street shall be paved from curb to curb.

(3) If said tracks and overhead trolley shall not have been constructed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said tracks as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this tenth day of November, 1926.

DECISION No. 17593.

IN THE MATTER OF THE APPLICATION OF COAST TELEPHONE COMPANY FOR PERMISSION TO DISCONTINUE FREE SWITCHING BETWEEN CAMBRIA AND CAYUCOS AND BETWEEN CAYUCOS AND TEMPLETON.

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Application No. 12030.
Decided November 10, 1926.

RATES—SERVICE—TELEPHONE UTILITY—FREE SWITCHING—TO DISCONTINUE.—Coast Telephone Company ordered to disconnect that part of line between Cambria and Cayucos which is located in the Cayucos exchange area from that part located in the Cambria exchange area and to discontinue free toll service between those exchanges, on and after December 1, 1926; and also to discontinue free switching between the "Old Creek" and Templeton line, and to charge the subscribers receiving the same service over the "Old Creek" line the regular rates filed with the Commission.

J. R. Fort, in propria persona, for Applicant.
J. G. Marshall, for The Pacific Telephone and Telegraph Company, interested party.
Peter Tognazzini, a subscriber, Protestant.

BY THE COMMISSION.

OPINION.

In this proceeding the Coast Telephone Company makes application to discontinue furnishing so-called free toll service between its Cambria and Cayucos exchanges, and also the free switching between its "Old Creek" line out of the Cayucos exchange, and a farmers' line which runs northeast into the Templeton exchange of The Pacific Telephone and Telegraph Company, and in this latter case to charge its subscriber, who does the switching between those two lines, applicant's regular rate for service.

A public hearing was held in this application before Examiner Williams in Cambria on October 13, 1926, at which time and place the matter was submitted.

Coast Telephone Company is the name and style under which J. R. Fort, owner and manager, is conducting a telephone business in the towns of Cambria and Cayucos. Each of these towns with its surrounding territory forms a telephone exchange area with its own central office located in the town and with the so-called free service between the two exchanges in addition to regular toll service between them which is furnished by The Pacific Telephone and Telegraph Company.

The so-called free toll service between Cambria and Cayucos, which the applicant desires to eliminate, has for a number of years past been furnished over a grounded circuit, which also has twelve local subscribers on it, and all of whom are within the Cambria exchange area.

Applicant made no objection to continuing the so-called free toll service until a power transmission line paralleling the telephone line caused such inductive interference that it became necessary to rebuild and metallicize his line. This rebuilding has been completed from the Cambria central office some eight miles toward Cayucos, and all of

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the local subscribers on that line will be served on the metallic circuit. Applicant desires to eliminate the so-called free service so that it will not be necessary to rebuild the line for the remainder of the distance, approximately six and one-half miles, into Cayucos. Applicant states that the cost of metallicizing the line for the balance of the distance would be $310 for construction, and $15.50 per year attachment rental on the poles of The Pacific Telephone and Telegraph Company. Maintenance and depreciation on this six and one-half miles of line would be at least $30 per year.

Several subscribers from both the Cambria and Cayucos exchanges protested the granting of the application on the basis that the grade of service received did not warrant an increase in rates, which they erroneously thought was involved in the application. Applicant admitted that the service on a number of his lines is unsatisfactory, due to their being grounded circuits paralleled by electric transmission lines, but stated that any money available to put into his plant could better be expended in metallicizing those lines rather than building the additional six and one-half miles of metallic circuit in order to continue the so-called free switching between Cambria and Cayucos. Testimony in this proceeding shows that the service applicant asks to discontinue is used very seldom by his subscribers. The record shows that only 111 calls had been placed over the line from the Cambria to the Cayucos exchange for the six-months period ending September 12th.

The switching between the Templeton farmers' line and applicant's "Old Creek" line, according to testimony of applicant, was initiated a number of years ago for the benefit of four or five of the Templeton subscribers who are located nearest Cayucos. Arrangements were made for applicant's subscriber at the end of the "Old Creek" line to switch the Templeton line to the "Old Creek" line in order to give those four or five Templeton subscribers access to Cayucos telephone service and also to provide his local service without charge. This present arrangement makes it physically possible for any of the Templeton subscribers of The Pacific Telephone and Telegraph Company to obtain so-called free service with any of Coast Telephone Company's Cayucos or Cambria subscribers, which was never contemplated by applicant. No objection was made at the hearing to the granting of this part of the application.

A general principle of furnishing telephone service, within this state and throughout the country, assumes separate exchange areas for different communities within which a local service is furnished for a local rate, and with a toll rate for service between separate

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exchanges and results in a practical method of furnishing telephone service, and at the least cost to the subscriber.

The evidence in this proceeding shows that a major portion of the small use that is made of this so-called free toll service is confined to only a few of applicant's subscribers, also that The Pacific Telephone and Telegraph Company has now, and has had for a number of years, a toll service between these exchanges at rates on file with this Commission.

It appears that the requests made in this application should be granted, and the order following will so provide.

ORDER.

Coast Telephone Company, J. R. Fort owner, applicant in this proceeding, having requested the Railroad Commission for an order authorizing the discontinuance of so-called free toll service between its Cambria and Cayucos exchanges, and free switching between a farmer line of the Pacific Company's Templeton exchange and the applicant's Cayucos exchange, a public hearing having been held, the matter having been submitted and now being ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the Coast Telephone Company, J. R. Fort owner, should discontinue the furnishing of the so-called free toll service between its Cambria and Cayucos exchanges, and free switching between the Templeton and "Old Creek" lines, and also that applicant should charge its regularly filed rates for local telephone service to all subscribers on the "Old Creek" line.

Basing its order on the foregoing findings of fact:

It is hereby ordered, that Coast Telephone Company, J. R. Fort owner, shall, on December 1, 1926, disconnect that part of his line between Cambria and Cayucos which is located in the Cayucos exchange area from that part which is located in the Cambria exchange area and shall discontinue furnishing so-called free toll service between the Cambria and Cayucos exchanges on and after December 1, 1926.

It is hereby further ordered, that Coast Telephone Company, J. R. Fort owner, shall on and after December 1, 1926, discontinue free switching between the "Old Creek" and Templeton line and shall charge all subscribers receiving the same service over the "Old Creek" line the rates filed with this Commission for such service.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this tenth day of November, 1926.

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DECISION No. 17598.

IN THE MATTER OF THE APPLICATION OF ADELAIDA RURAL TELEPHONE COMPANY FOR PERMISSION TO MAKE SERVICE CONNECTION CHARGES.

Application No. 13264.

Decided November 10, 1926.

RATES—TELEPHONE UTILITY—SERVICE CHARGES.—Commission's standard service charges for installation, moves and changes of equipment authorized.

BY THE COMMISSION.

ORDER.

Whereas, Adelaida Rural Telephone Company having made application to this Commission for authority to file and make effective certain rules and regulations relative to service connection charges; and

Whereas, this Commission found such rules and regulations to be reasonable in its Decision No. 8146 (18 C. R. C. 1912), and authorized the filing of such rules and regulations by all telephone utilities operating within the State of California within thirty days after the date of that order (August 1, 1920); and

Whereas, Adelaida Rural Telephone Company did not file such rules and regulations within the period stated in Decision No. 8146, applicant now requests that it be granted authority for the filing of such rules and regulations, and it appearing that other utilities operating under similar conditions have in effect such rules and regulations, and there appearing no good reason why applicant should not file and make effective similar rules and regulations;

It is hereby ordered, that Adelaida Rural Telephone Company be and it is hereby authorized to file with this Commission on or before December 31, 1926, effective January 1, 1927, the following rules and regulations:

A. Service Connection Charges.

Service connection charges provided for hereunder are payable at the time application for the particular service or facility is made, and are in addition to the regular schedule of rates.

Service connection charges apply to all exchange service and facilities, except farmer line service, in accordance with the following provisions:

	Service connection charges
1. New service.	
Business and residence, each station	$3 50
Extension stations:	
Business and residence, each station	1 50
2. Additional service.	
Business and residence, each station	3 50

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Extension stations:
Business and residence, each station 1 50

3. Service where instrumentalities are already in place on subscriber's premises and no change in type or location of facilities is involved.
Business and residence, subscriber's exchange service, except farmer line service, one or more units 1 50

A change in location or type of instrumentalities made at subscriber's request is subject to the charges for moves and changes, provided the total charges for such moves and changes shall not exceed the charges for the initial establishment of the subscriber's complete service and facilities.

Service connection charges do not apply under the following conditions:

Business service.

(a) When service is assumed by a receiver or by trustee, executor or administrator of an estate.

(b) Change in the name of the business concern (i. e., individual, partnership, syndicate or corporation) when there is no complete change in ownership or management.

Residence service.

(a) When service is assumed by a member of the former subscriber's family located in the same premises.

(b) When there is no change in the individuality of the recipient.

(c) When the subscriber's name has been changed by marriage or court order.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this tenth day of November, 1926.

DECISION No. 17604.

IN THE MATTER OF THE APPLICATION OF SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA FOR AUTHORITY TO DISCONTINUE THE MAINTENANCE OF A SPECIAL RESERVE FUND CREATED THROUGH THE AMORTIZATION OF NONOPERATIVE GAS PLANTS AND FOR THE APPROVAL OF A CERTAIN CONTRACT WITH THE LOS ANGELES GAS AND ELECTRIC CORPORATION AND FOR AUTHORITY TO SELL CERTAIN BONDS NOW HELD BY THE COMPANY.

Application No. 12080.

Decided November 10, 1926.

CONTRACT--GAS UTILITY—TO EXECUTE.—Application granted.

LeRoy M. Edwards, for Applicant.
Paul Overton, for Los Angeles Gas and Electric Corporation.

SEAVEY AND DECOTO, *Commissioners*.

OPINION.

The Railroad Commission is asked to make an order—

1. Approving a proposed contract between the Southern Counties Gas Company of California and Los Angeles Gas and Electric Corporation dated October 27, 1925, and filed in this proceeding as applicants' Exhibit "A."

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2. Authorizing the Southern Counties Gas Company of California to discontinue the maintenance of the reserve fund representing the amortization of its nonoperative artificial gas plants.

3. Authorizing the Southern Counties Gas Company of California to transfer to its general cash fund and use for general corporate purposes the money now in its gas plant amortization fund and reserve for central gas plant fund.

4. Authorizing Southern Counties Gas Company of California to sell its own first mortgage bonds and any other bonds now held in the above mentioned fund at the current market price thereof and so as to yield not less than the book cost to the company.

At the hearing had on December 9, 1925, Los Angeles Gas and Electric Corporation joined in the application in so far as it involves the execution of the contract filed as Exhibit "A."

In the proposed contract (Exhibit A), which the Commission is asked to approve, the Southern Counties Gas Company of California agrees that it will during the term of the contract sell and deliver to the Los Angeles Gas and Electric Corporation any and all surplus natural gas that it may have, and that the Los Angeles Gas and Electric Corporation may desire. By surplus natural gas is meant all natural gas owned, possessed or controlled by the Southern Counties Gas Company over and above the amount of natural gas necessary to meet the gas requirements of itself and its consumers. The gas is to be sold and delivered to Los Angeles Gas and Electric Corporation at such point and under such deliveries and at such prices as the parties to the contract may agree from time to time and subject to the approval of the Railroad Commission of the State of California.

The Los Angeles Gas and Electric Corporation in turn agrees that it will during the term of the contract manufacture, sell and deliver to the Southern Counties Gas Company of California such amounts of artificial gas as that company may require in order to meet all the gas requirements of its consumers, said gas to be delivered at such points and under such deliveries and at such prices as the parties to the contract may agree upon from time to time, subject to the approval of the Railroad Commission of the State of California. The Los Angeles Gas and Electric Corporation further agrees that it will from time to time install, operate and maintain in or near the city of Los Angeles gas making machinery apparatus and equipment sufficient to generate and deliver to the Southern Counties Gas Company of California all of the artificial gas required from time to time by that company in order to take care of the gas requirements of its consumers, it being understood, however, that the Southern Counties Gas Company of California shall at all times use its available supply of natural gas, so

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far as possible, toward meeting its own requirements before calling upon the Los Angeles Gas and Electric Corporation for any supplies of artificial gas. The Southern Counties Gas Company of California agrees to give the Los Angeles Gas and Electric Corporation such reasonable advance notice as it can in regard to its future artificial gas requirements.

The contract is to remain in effect for a period of 20 years, commencing January 1, 1926, and ending January 1, 1946. The effect of this agreement will be that artificial gas, when and if required on the system of Southern Counties Company, will be manufactured in a large generating plant of the Los Angeles Gas and Electric Corporation instead of in one or more smaller and less economical plants to be built by the Southern Counties Gas Company. In other parts of the state economies of investment and operation have justified the construction of pipe lines in order that central plants might supersede less efficient local plants. In the case before us, necessary pipe lines are already in service transporting natural gas to Los Angeles and when the need arises they will be available for the transportation of manufactured gas in the opposite direction. The terms of the contract are general and prices and conditions are to be fixed as the need for the service develops.

Southern Counties Gas Company of California represents that in view of the contract if approved by the Commission, it will not be necessary for it to construct any artificial gas plants and that therefore it should be relieved from maintaining the gas plant amortization fund and reserve for central gas plant fund established in compliance with the Commission's Decision No. 5539, dated July 3, 1918, and subsequent instructions from the Commission.

In Decision No. 5539, dated July 3, 1918 (Vol. 15, Opinions and Orders of the R. R. Comm. of Cal., page 928), the Commission finds that the business of the Southern Counties Gas Company of California had increased to such an extent that the company's then existing artificial gas plants were of little or no value for standby purposes. Quoting from the Commission's decision:

> Of late applicant's gas sales have increased manifold, due chiefly to the extensive use of natural gas for industrial purposes at a price with which artificial gas could not compete. This has resulted in business so far in excess of the capacity of the existing artificial gas plants in applicant's system that these plants are at present of little or no value for standby purposes. After giving this matter due weight I am of the opinion that it would be to the best interests of the rate payer, as well as to applicant, to dispose of these plants. The high prices now obtained for the material of which these plants are composed, makes this step most desirable. With these facts in mind the rates established hereinafter include a substantial amount to amortize over a period of ten years the remaining value of these inadequate plants, the reproduction values of these plants to be deducted from the rate base and the net amount to be amortized in the rates to be fixed as shown below:

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TABLE No. 3.

District	*Reproduction value*	*Net amount to be amortized*
Eastern	$208,510 00	$128,133 00
Southern	78,674 00	47,841 00
Western	85,457 00	55,503 00
Total system	$372,341 00	$231,277 00

Under date of September 7, 1918, the Commission directed the company to set aside monthly and invest in securities which are legal investments for savings banks under the Bank Act of the State of California, the $31,454 allowed annually to amortize its artificial gas plants and that any interest received by the company on such investment should be added to the amortization fund and reinvested in a like class of securities.

The company has filed statements in this proceeding which show that it has in its gas plant amortization fund and its reserve for central gas plant fund $460,784.67, segregated as follows:

A. Gas plant amortization fund		$116,540 45
Sales from gas plant material	$72,793 14	
Interest on bonds and bank balances	27,633 19	
Premium on bonds returned and used for sinking fund purposes	16,114 12	
B. Reserve for central gas plant fund		344,244 22
Cash set up out of earnings	$263,683 42	
Interest on bonds and bank balances	59,698 76	
Premium on bonds returned and used for sinking fund purposes	20,862 04	
Total		$460,784 67

As of August 31, 1926, the company reports assets and liabilities as follows:

Capital assets.	
Intangible values—	
Organization, rights and franchises	$36,251 82
Additions since February 1, 1916	310,931 77
Total intangible capital	$347,193 59
Tangible properties—	
Baehr inventory February 1, 1916	$2,339,647 63
Additions since February 1, 1916	14,294,206 40
Total tangible capital	$16,633,854 03
Total fixed capital	$16,981,047 62
Special reserves—	
Reserve for central gas plant and miscellaneous	$460,784 67
Current assets—	
Pipe, fittings, construction materials and merchandise	$387,678 18
Accounts and notes receivable	455,389 01
Cash—operating	924,720 00
Funded debt tax funds and miscellaneous	4,468 97
Sinking fund F. M. bonds	89,434 27
Stocks and securities owned	5,000 00
Total current assets	$1,866,690 43

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Deferred charges—	
Unamortized discount and expense—	
F. M. bonds	$621,766 32
C. T. bonds	26,239 76
G. and R. mortgage bonds	100,597 66
Insurance, taxes and miscellaneous	160,557 36
Total deferred charges	$909,161 10
Discount on stock issued	758,505 76
Total assets	$20,976,179 50
Capital stock outstanding.	
Common 15,000 shares	$1,500,000 00
Preferred 24,658 shares	2,465,800 00
Installments on preferred stock	5,796 00
Funded debt.	
F. M. 20-year 5½% S. F. bonds dated May 1, 1916	8,442,800 00
C. T. 10-year 8% bonds dated December 1, 1920	215,600 00
General and refunding mortgage 20-year 6% bonds dated November 1, 1925	2,500,000 00
Total funded debt	$15,129,996 00
Current liabilities.	
Accounts payable—	
Miscellaneous	$598,082 41
Interest accrued	209,097 50
Consumers' deposits	1,177,595 45
Total current liabilities	$1,984,775 36
Reserves.	
Accrued depreciation	$1,655,198 83
Contingencies, taxes, etc.	334,357 33
Contingent debt	37,552 99
Total reserves	$2,027,109 15
Appreciation of property values	99,568 37
Earned surplus	1,734,730 70
Total liabilities	$20,976,179 58

The financial condition of Southern Counties Gas Company of California since 1917 has been improved to such an extent that we believe the company may be permitted to discontinue the reserve fund to which reference is made herein. On December 31, 1917, the company had no reserve for accrued depreciation and only a corporate surplus (earned) of $110,537.60, as compared with a reserve for accrued depreciation of $1,655,198.83 and a surplus of $1,734,730.70 on August 31, 1926. We believe that the financial condition of the company warrants us to permit the company to transfer the $460,784.67 to its general cash account and use the same for general corporate purposes. The $204,750.13 now carried under the account of "Reserve for amortization of gas plants" and included under contingencies, taxes, etc., on August 31, 1926, should be transferred to the reserve for accrued depreciation.

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We herewith submit the following form of order:

ORDER.

The Commission having considered the requests of applicants, as set forth in the foregoing opinion, and being of the opinion that such requests should be granted;

It is hereby ordered, that:

1. Southern Counties Gas Company of California and Los Angeles Gas and Electric Corporation be and they are hereby authorized to execute a contract substantially in the same form as the contract filed in this proceeding and marked applicants' Exhibit "A," provided that said contract be executed within ninety days after the date hereof and be in full force and effect for a period of twenty years after the date of its execution.

2. Southern Counties Gas Company of California be and it is hereby authorized to discontinue the maintenance of its gas plant amortization fund and its reserve for central gas plant fund and is hereby further authorized to transfer the amount of money now in said funds to its general cash fund and use the same for general corporate purposes.

3. Southern Counties Gas Company of California be and it is hereby authorized to sell its own first mortgage bonds and any other bonds now held in said funds at the current market prices so as to yield not less than the book cost thereof to applicant.

4. Southern Counties Gas Company of California shall file with the Commission within four months after the date hereof a certified copy of the contract which it and Los Angeles Gas and Electric Corporation are herein authorized to execute.

5. The authority herein granted to Southern Counties Gas Company of California to transfer the moneys in said reserve funds to its general cash fund and use said moneys for general corporate purposes will become effective when it has filed with the Commission the copy of the contract referred to herein.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this tenth day of November, 1926.

DECISION No. 17606.

IN THE MATTER OF THE APPLICATION OF THE CITY OF OAKLAND, A MUNICIPAL CORPORATION, FOR AN ORDER REQUIRING CONSRUCTION OF A SUBWAY AT THE CROSSING OF GOSS STREET BY TRACKS OF THE SOUTHERN PACIFIC RAILROAD COMPANY.

Application No. 12543.

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Decided November 12, 1926.

GRADE CROSSINGS—SEPARATION OF GRADES—VIADUCT—TO CONSTRUCT.—Southern Pacific Company directed, after further hearing, to construct a viaduct carrying Seventh street extended, in the city of Oakland, over seven tracks of that company, and the cost thereof apportioned equally between the city and the railroad company. If the latter desires to add an eighth track it shall pay the additional cost of the viaduct to span said track.

Leon E. Gray, for the City of Oakland.
E. J. Foulds, for Southern Pacific Company.
Harrison S. Robinson, for Downtown Association.
William M. Tudor, for California State Automobile Association.
W. J. Bergsma, for West Oakland Boosters Club and the Bay View Improvement Club.

DECOTO, *Commissioner*.

OPINION ON FURTHER HEARING.

The city of Oakland filed the above entitled application with the Commission on February 16, 1926. The application sets forth that the city of Oakland and the Southern Pacific Company had agreed to the type and location of a grade separation of the railroad and highway traffic passing over the Seventh street grade crossing in West Oakland and had also agreed as to the apportionment of the cost thereof.

In accordance with the agreement of the parties thus expressed and after public hearing, the Commission made its Decision No. 16210 in the above entitled proceeding on the seventeenth of March, 1926, in which the city of Oakland and the Southern Pacific Company were directed to abolish the existing grade crossing of Seventh street in Oakland, by constructing a subway along an extension of Goss street westerly under the tracks of the Southern Pacific. Plans and specifications for this subway were approved by the Commission on May 25th and the agreement covering its construction and apportioning the cost thereof was approved on June 17, 1926.

On September 22, 1926, the city of Oakland filed with the Commission a petition for an order vacating said Decision No. 16210 and reopening the proceeding for further hearing. This petition was granted by the Commission on September 24, 1926, in Decision No. 17364, in which the Commission's prior order was set aside and the matter reopened for further hearing and determination. Further hearings were accordingly had at Oakland on October 5 and October 20, 1926.

At these two hearings the Southern Pacific Company introduced several different plans and estimates for separating the grades of the Seventh street traffic with their lines. The Engineering Department of the Commission presented two plans for inexpensive temporary viaduct construction at Seventh street and at Goss street. The Commission's engineers also presented evidence relating to the annual costs of many

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of the plans suggested. The several plans now before the Commission for consideration, together with their total and annual costs, are given in the following tables.

TABLE I.

Comparison of Costs of Construction.

Exhibit number	*Location*	*Type*	*Design*	*Total cost*
S. P. Ex. "C"	Goss street	Subway	Concrete and steel	$109,186 00
S. P. Ex. "D"	7th street	Subway	Concrete and steel	827,748 00
S. P. Ex. "E"	7th street	Viaduct	Concrete and steel	392,223 00
S. P. Ex. "E_2"	7th street	Viaduct	(Wood approach)	293,917 00
S. P. Ex. "F"	(Near 7th street)	Subway	Concrete and steel	547,685 00
S. P. Ex. "G"	7th street	Viaduct	(Wood approach)	285,409 00
S. P. Ex. "H"	Goss street	Viaduct	(Wood approach)	241,859 00
S. P. Ex. "I"	Shorey street	Viaduct	(Wood approach)	213,507 00
S. P. Ex. "J"	(Bet. 7th and Goss streets)	Subway*	Concrete and steel	432,186 00
S. P. Ex. "K"	Goss street	Subway**	Concrete and steel	491,462 00
C. R. C. Ex. 1	Prop. "A"	7th street viaduct	Timber	221,308 00
C. R. C. Ex. 1	Prop. "B"	Goss viaduct	Timber	184,980 00

*Differs from Exhibit "C" only as to slight shift in location and in having entrance into Seventh instead of Goss street.

**Differs from Exhibit "C" in having entrance from both Goss and Seventh streets.

TABLE II.

Comparison of Annual costs.

Number of exhibit	*Location and separation*	*Assumed life years*	*Annual cost*	*Assumed obsolete life years*	*Annual cost*
S. P. Co. Ex. "C"	Subway, Goss St.	50	$33,335 00	20	$45,610 00
S. P. Co. Ex. "D"	Subway, 7th St.	50	68,320 00	20	93,152 00
S. P. Co. Ex. "E"	Viaduct, 7th St.	40	33,639 00	20	43,444 00
S. P. Co. Ex. "E_2"	Viaduct, 7th St.	30	28,232 00	20	33,131 00
S. P. Co. Ex. "F"	Subway, near 7th St.	50	44,175 00	20	60,605 00
S. P. Co. Ex. "G"*	Viaduct, 7th St.	30	27,439 00	20	32,195 00
S. P. Co. Ex. "H"	Viaduct, Goss St.	30	23,374 00	20	27,405 00
S. P. Co. Ex. "I"	Viaduct, Shorey St.	30	20,727 00	20	24,285 00
S. P. Co. Ex. "J"*	Subway bet. 7th and Goss Sts.	50	35,225 00	20	48,190 00
S. P. Co. Ex. "K"*	Subway, Goss St. and 7th St.	50	39,966 00	20	54,710 00
C. R. C. Prop. A	Viaduct, 7th St.	20	25,143 00	20	25,143 00
C. R. C. Prop. B	Viaduct, Goss St.	20	21,148 00	20	21,148 00

*Computed since final hearing.

Tables I and II show that the structures north of Seventh street are cheaper than corresponding structures at Seventh street, both as to total costs and as to annual costs.

The Southern Pacific Company took the position of preferring a grade separation at Goss street, but of being entirely willing to construct a viaduct at Seventh street if the Commission should so require. The company, however, urged that no plan be adopted which would require an unreasonably large expenditure of money.

Harrison S. Robinson, representing Oakland Chamber of Commerce, the Uptown Association and the Downtown Association, objected to the construction of the separation at either Goss street or Shorey street and declared in favor of a viaduct at Seventh street in accordance with plan submitted by Southern Pacific Company as Exhibit "G" as being of reasonable cost and more desirable from the standpoint of the public than any of the other designs. He expressed the opinion that the growth of the West Oakland water front, and the possibility of the con-

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struction of a transbay bridge were matters which made it necessary to forego the construction of a permanent type of structure. He advocated the erection of a relatively cheap form of viaduct with a life of about twenty years because of the inability now to foresee what changes in requirements might occur after that period.

There is, without doubt, a present urgent necessity for grade crossing relief at this point and there appears to be no reason why temporary viaduct should not be erected without further delay.

The engineers who have investigated this grade separation have recommended that such separation should be made north of Seventh street. Considerable evidence was introduced relating to the first costs and annual costs of the various types of structures for the several locations considered. Testimony was also given in regard to the trend and amount of traffic and the routing thereof. First and annual costs show favorable results for the location of the separation north of Seventh street.

A separation thus located would discharge most of the traffic onto Eighth street. Eighth street is a much narrower street than Seventh street and is occupied by an important street car line of the Key System Transit Company. The introduction of a large volume of through traffic onto this street would create a hazard to passengers getting on or off of the street cars, which operate under frequent headway.

A large part of the automobile traffic using the Southern Pacific automobile ferry at Oakland pier is through traffic and should be diverted from the congested business area of Oakland. Seventh street is at the southerly line of this area and is the most suitable artery for all through traffic to points south of Oakland. It is also more accessible for traffic from the city of Alameda.

The highway alignment for a separation of Seventh street is superior to any of the alignments proposed for separations north of Seventh street in that it is straight, while the other alignments have undesirable curves. There appears to be a greater hazard to timid and reckless drivers on heavily curved alignments than would exist on a straight alignment such as can be built at Seventh street. Also, Seventh street is wide, is well paved, and is well lighted. The cost of the separation at Seventh street will be limited to the construction of the separation itself, while the separations north of Seventh street will create costs of street improvements to the city which will not be included in the cost of separation and all of which have not been included in the estimates of some of the plans. A viaduct at Seventh street can also immediately proceed to completion without delay as no other street work or acquiring of private property is required for such a viaduct.

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After a careful consideration of all of the evidence in this proceeding, it is my opinion that a viaduct should be built over the tracks of the Southern Pacific Company, at Seventh street, generally in accordance with the plan shown in Southern Pacific Company's Exhibit "G" and estimated to cost in the neighborhood of $285,409.

Nothing was presented in the record to show that the apportionment of costs provided in Decision No. 16210 was not equitable and a similar apportionment of costs will therefore be ordered for the viaduct construction. The following form of order is recommended:

ORDER.

Decision No. 16210, dated March 17, 1925, on the above entitled proceeding having been set aside and the matter having been reopened for further hearing upon petition by the city of Oakland, further public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

It is hereby ordered, that Southern Pacific Company be and it is hereby directed to abolish the existing grade crossing of Seventh street in the city of Oakland by constructing a viaduct along Seventh street and an extension thereof westerly, capable of spanning seven tracks, substantially in accordance with plans shown on Southern Pacific Company's Exhibit "G," filed in this proceeding, and specifically in accordance with detailed plans and specifications which shall be filed with and approved by this Commission, prior to the commencement of construction of said viaduct.

It is hereby further ordered, that the cost of constructing said viaduct and of abolishing the existing grade crossing at Seventh street shall be divided equally between said Southern Pacific Company and the city of Oakland, except for certain additional signal facilities shown on Southern Pacific Company's Exhibit "G 1" which shall be exclusively paid for by Southern Pacific Company; provided, however, that nothing herein contained shall be construed as preventing the county of Alameda from contributing such portion of the cost herein assessed to the city of Oakland as shall be mutually agreed upon by said city of Oakland and said county of Alameda; and provided further, that no portion of the cost herein assessed to the city of Oakland shall in any manner whatsoever be assessed against the operative property of said Southern Pacific Company.

It is hereby further ordered, that should said Southern Pacific Company elect to have constructed a longer viaduct to provide for an eighth track, it shall be permitted so to do, provided all extra cost and expense incurred thereby shall be borne by it.

It is hereby further ordered, that the maintenance of said viaduct shall be borne in accordance with an agreement which may be entered

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into, subject to the approval of this Commision, between said city of Oakland and said Southern Pacific Company, or in the absence of said parties reaching such an agreement, said maintenance shall be borne in accordance with such terms as the Commission may determine by supplemental order.

It is hereby further ordered, that the Southern Pacific Company shall notify this Commission, in writing, within thirty days thereafter, of the completion of the grade separation.

It is hereby further ordered, that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said viaduct as to it may seem right and proper.

For all other purposes the effective date of this order shall be twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twelfth day of November, 1926.

DECISION No. 17609.

IN THE MATTER OF THE APPLICATION OF WILLARD F. SMITH FOR AUTHORITY TO INCREASE RATES, AND ESTABLISH OTHER SOURCES OF REVENUE.

Application No. 12833.

Decided November 12, 1926.

RATES—TELEPHONE UTILITY—TO INCREASE.—Application granted, but full return not warranted until necessary improvements are made in the outside plant.

Willard F. Smith, in propria persona.

BY THE COMMISSION.

OPINION.

Willard F. Smith, applicant in this proceeding, asks that the Railroad Commission make its order authorizing certain increases in exchange telephone rates and the establishment of nonsubscriber message charges and toll charges. Willard F. Smith, hereinafter referred to as the applicant, owns a telephone utility which he operates under the fictitious name and style of Capay Valley Telephone System, serving the communities of Capay, Cadanassa, Brooks, Tancred, Guinda and Rumsey, all in Yolo County, California. A central office is operated by applicant at Brooks, California, a post office approximately seven miles northwest of Capay, and long distance telephone connection is made with the lines of The Pacific Telephone and Telegraph Company at Capay. The system, now owned by applicant, was for-

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merly the property of L. N. Wood and was transferred to applicant under authority of this Commission's Decisions Nos. 14887 and 14920, in Application No. 10930.

A public hearing was held in the above entitled matter before Examiner Austin at Guinda, October 4, 1926.

Testimony was presented at the hearing by applicant purporting to show that since the purchase of the system from L. N. Wood he had made many improvements in the outside line construction and contemplates further improvements and reconstruction during the latter part of 1926 and the first nine months of 1927. Applicant stated that the investment in the line, and its operating expenses, at the present time were such that it was impossible to continue to furnish exchange telephone service at the rate of $1 per month per station without incurring a loss, and that an increase was also justified on his showing of the reconstruction of the lines with consequent improvement in service to date and that further rate increases would be necessary as further improvements in the lines and service were made.

Applicant asks, among other things, for an increase in the present rate of $1 per month for residence service with wall telephone on a grounded line; to $1.25 per month, effective upon completion of his proposed 1926 construction program and for a later increase to $1.50 per month upon completion of his 1927 construction program, due September 30, 1927. Applicant further proposes to establish a metallic toll line extending from Brooks to Capay and requests authority to establish a toll charge for station-to-station service of 10 cents for the first five minutes and 5 cents for each additional three-minute period together with corresponding person-to-person service rate, appointment and messenger service rate, report charge, and telegraph service rates for the use of this line. Applicant testified that considerable annoyance has been caused to his subscribers and an unreasonable burden has been placed upon his operators by certain persons, who are not subscribers, making use of subscribers' telephones for local exchange calls within the Brooks exchange area. He asks to be permitted to make a charge of 10 cents for each message so placed from a telephone by other than the subscriber.

An examination of applicant's books and records and outside plant was made by F. M. Casal, assistant engineer of the Railroad Commission. The total expenses for the period September 1, 1925, to August 31, 1926, as shown by such examination, were $685.90, segregated as follows:

Maintenance expense	$231 41
Traffic expense	415 35
Commercial and general expense	11 00
Taxes	28 14
Total	$685 90

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It is to be noted that the total expense figure of $685.90 does not include any salary for superintendence of the system, or for rent of that portion of the building in which the switchboard is located, or any allowance for depreciation or uncollectible accounts. We believe that a fair amount should be allowed in applicant's expenses to cover these items. The Commission's engineer has estimated that a figure representing applicant's expenses, in which allowances have been made for the above mentioned items, for a period of one year ending August 31, 1927, is $1,032, segregated as follows:

Maintenance expense	$217 00
Traffic expense	415 00
Commercial and general expense	167 00
Taxes and uncollectibles	44 00
Depreciation	189 00
Total	$1,032 00

Applicant's total revenue for the same period, under present rates, is estimated to be $732, consisting of:

Exchange revenue	$552 00
Toll revenue	180 00
Total	$732 00

Applicant presented no valuation of his telephone property other than that of $2,624.59, as shown in his Exhibit "A," attached to his application, which indicated the value of the plant as of May 1, 1926. This figure is based upon the amounts actually paid by applicant to the former owner of the system, which, testimony showed, does not indicate the true historical value of the system. In the proceeding in Application No. 5972 of L. N. Wood, former owner of the system, the Railroad Commission fixed the value for the system at $2,646, as of January 1, 1921, on the historical reproduction basis, less materials and supplies. Applicant's testimony indicated that, to his knowledge, practically no changes were made in the Capay Valley Telephone System from January 1, 1921, the date of the Commission's appraisal, to the time he acquired possession and, as he was able to supply information as to the retirements of plant and additions and betterments since the latter date up to the present time, a more accurate appraisal of his system may be obtained by making the proper net additions to the appraised value as of January 1, 1921. The total value of the plant, less materials and supplies, according to the above and including applicant's estimate of additions which will probably be made before March 1, 1927, was found to be $4,221.

It appears that a rate base for applicant for the period September 1, 1926, to August 31, 1927, should include reasonable amounts for materials and supplies and working cash capital and rate base of $4,371, in which allowance has been made for materials and supplies

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and working cash capital, has been found to be reasonable for this period.

The evidence in this proceeding clearly shows that applicant is entitled to an increase in rates for telephone service. We do not believe, however, that a full return upon the investment should be allowed him until improvements in his outside plant are fully completed; the order following will provide some increase in revenue necessary at this time and the further increase which will be required when applicant's proposed construction program is completed may be authorized by supplemental order.

ORDER.

Willard F. Smith having made application to the Railroad Commission requesting authority to increase rates for exchange service and to establish certain other rates in connection with the operation of his telephone system in Yolo County, California, a public hearing having been held, and the matter having been submitted and ready for decision:

The Railroad Commission hereby finds as a fact that the rates at present in effect for the above described utility are inadequate, noncompensatory, unjust and unreasonable and that the rates contained in this order for the conditions of operation of this utility are just and reasonable. Basing its order on the foregoing finding of fact and other findings of fact contained in the opinion which precedes this order:

It is hereby ordered, that Willard F. Smith is authorized to charge and collect rates for exchange telephone service as set forth in Exhibit "A," attached hereto, for service rendered on and after January 1, 1927, provided that he file with the Railroad Commission on or before December 1, 1926, the rates set forth in Exhibit "A," attached hereto.

It is hereby further ordered, that Willard F. Smith, after making a proper showing to the Railroad Commission that he has completed work necessary in metallicizing the toll line between Brooks and Capay and in the reconstruction of subscribers' lines over his entire system and upon supplemental order from the Railroad Commission may change his then effective rates to those shown in Exhibit "B," attached hereto, provided that the necessary reconstruction, as above noted, has been completed and that request for supplemental order is made by applicant on or before December 31, 1928.

For all other purposes the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this twelfth day of November, 1926.

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EXHIBIT "A."

RATES AUTHORIZED TO BE MADE EFFECTIVE ON AND AFTER JANUARY 1, 1927, AS PROVIDED IN ORDER.

Exchange Service Schedule No. A-1.

Service.

Applicable to party line flat rate service over single wire grounded line furnished within the exchange area of the Brooks exchange.

Rate.	*Rate per month*	
	Wall set	*Desk set*
Business service—		
Each party line station	$1 50	$1 75
Residence service—		
Each party line station	1 25	1 50

Hand microphone sets are furnished at above wall set rates plus 50 cents per month per set.

Conditions.

All facilities in connection with the above service are maintained by Capay Valley Telephone System with the exception of subscribers' station battery replacements, which are made at the expense of the subscriber.

Exchange Service Schedule No. A-2.

Service.

Exchange telephone service furnished to other than regular exchange service subscribers.

Rate.

Each exchange message	$0 05

EXHIBIT "B."

RATES WHICH MAY BE MADE EFFECTIVE BY SUPPLEMENTAL ORDER.

Exchange Service Schedule No. A-1.

Service.

Applicable to party line flat rate service over single wire grounded line furnished within the exchange area of the Brooks Exchange.

Rate.	*Rate per month*	
	Wall set	*Desk set*
Business service—		
Each party line station	$1 75	$2 00
Residence service—		
Each party line station	1 50	1 75

Hand microphone sets are furnished at above wall set rates plus 50 cents per month per set.

Conditions.

All facilities in connection with the above service are maintained by Capay Valley Telephone System, including one replacement of subscribers' station battery per year.

Exchange Service Schedule No. A-2.

Service.

Exchange telephone service furnished to other than regular exchange service subscribers.

Rate.

Each exchange message	$0 05

Toll Service Schedule No. B-1.

Service.

The following listed rates are applicable, between Brooks and Capay, to station-to-station, person-to-person, and appointment and messenger toll telephone service over the metallic toll line of Capay Valley Telephone System, and are based on air-line distance in accordance with the termsc and conditions of Order No. 2495, dated November 13, 1918, and Order No. 2797, dated February 17, 1919, amendatory thereto, of the Postmaster General of the United States:

Rate.	*Initial rate*	*Initial period minutes*	*Overtime rate*	*Overtime period minutes*
Station-to-station	$0 10	5	$0 05	3
Person-to-person	15	3	05	1
Appointment and messenger	20	3	05	1
Report charge	05	-	--	-

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The rates for any of the classes of toll service specified herein between Brooks and toll points on the lines of connecting companies are in accordance with the schdules of connecting companies and are, in general, through rates, established under the terms and conditions of the orders hereinabove referred to.

Telegraph Service Schedule No. C-1.

Service.

The following listed rates are applicable to telegraph service, of the classes shown, between Brooks and Capay:

Rate.

Telegrams:

30 cents for ten (10) words or less.
2½ cents for each additional word.

Day letters:

45 cents for fifty (50) words or less.
9 cents for each additional ten (10) words or fraction.

Night letters:

30 cents for fifty (50) words or less.
6 cents for each additional ten (10) words or fraction.

Messages of the above specified classes will be accepted for transmission to points on the lines of connecting companies. The charges applicable to messages between any such points and Brooks are the rates quoted by connecting companies from or to Capay in addition to the rates of the Capay Valley Telephone System as shown in the preceding paragraphs.

DECISION No. 17610.

IN THE MATTER OF THE APPLICATION OF STEARNS AND STEARNS, INCORPORATED, A CALIFORNIA CORPORATION, OF LONG BEACH, CALIFORNIA, FOR AUTHORITY TO SERVE WATER TO CONSUMERS IN TRACT NUMBER 6728, LOCATED IN LOS ANGELES COUNTY, STATE OF CALIFORNIA, AND CHARGE FOR SUCH WATER.

Application No. 13118.

Decided November 12, 1926.

CERTIFICATE—WATER UTILITY—RATES.—Certificate granted, rates established.

N. H. Stearns, for Applicant.

BY THE COMMISSION.

OPINION.

Stearns and Stearns, Incorporated, applicant in the above entitled proceeding, a corporation whose principal business is the subdividing and marketing of real estate, asks the Railroad Commission for authority to operate a public utility water system for the purpose of serving consumers residing in Tract No. 6728, Los Angeles County, and requests the establishment of a schedule of rates for such service.

A public hearing in this matter was held before Examiner Williams in Los Angeles, after all interested parties had been duly notified and given an opportunity to be present and be heard.

The evidence shows that Stearns and Stearns, Incorporated, subdivided Tract No. 6728, Los Angeles County, and to aid in the sale of lots in said tract installed a water system consisting of a ten-inch well 201 feet deep, equipped with an automatic pump and pressure tank system, which supplies water to the entire tract through distribution

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mains four and six inches in diameter. The tract contains 118 lots, of which nine are occupied and receiving water service at the present time. The water mains were installed in the streets before the tract was accepted by the county authorities and the streets dedicated to public use. A county franchise therefore is not necessary.

The schedule of rates proposed by applicant is the same as that charged by certain other utilities operating in the general vicinity and under like conditions.

No one appeared to protest the granting of the company's request and there is no other public utility operating in this territory from which water can be obtained. It therefore appears that the application should be granted.

ORDER.

Stearns and Stearns, Incorporated, having made application to the Railroad Commission as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require that Stearns and Stearns, Incorporated, operate a water system to supply water for domestic and other purposes in Tract No. 6728, Los Angeles County.

It is hereby ordered, that Stearns and Stearns, Incorporated, be and it is hereby directed to file with this Commission within twenty days from the date hereof the following schedule of rates to be charged for all water delivered to consumers on and after the thirtieth day of November, 1926:

Monthly Flat Rate.

Residences	$1 50

Meter Rates.

Monthly quantity rates:	
For 500 cubic feet or less	$1 50
From 500 to 2,000 cubic feet, per 100 cubic feet	20
All over 2,000 cubic feet, per 100 cubic feet	15
Monthly minimum charges:	
For ⅝ inch meter	$1 50
For ¾ inch meter	1 75
For 1 inch meter	2 75
For 1½ inch meter	3 50
For 2 inch meter	6 00

Each of the foregoing "monthly minimum charges" will entitle the consumer to the quantity of water which that monthly minimum charge will purchase at the monthly meter rate set out above.

It is hereby further ordered, that Stearns and Stearns, Incorporated, be and it is hereby directed to file with this Commission within thirty

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days from the date of this order, rules and regulations to govern relations with consumers, such rules and regulations to become effective upon their acceptance for filing by this Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twelfth day of November, 1926.

DECISION No. 17611.

IN THE MATTER OF THE APPLICATION OF C. C. STAFFORD MILLING AND WAREHOUSE COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING ISSUE OF STOCK.

Application No. 13234.

Decided November 12, 1926.

SECURITIES—STOCK—ILLEGAL ISSUE.—Finding that applicant issued 500 shares of capital stock without authority of the Commission, through inadvertence, and no intent to evade its jurisdiction, the Commission authorizes the issuance of 500 shares of stock of a total par value of $50,000, in lieu of a like amount heretofore issued without authority of the Commission.

J. Vincent Hannon, by *T. G. Dalton*, for Applicant.

BY THE COMMISSION.

OPINION.

C. C. Stafford Milling and Warehouse Company, Inc., asks the Railroad Commission to make an order authorizing it to issue $50,000 of stock in lieu of stock issued without an order from the Commission.

The application shows that C. C. Stafford Milling and Warehouse Company, Inc., was organized on or about April 17, 1924, primarily for the purpose of taking over the grain milling and warehouse properties then owned and operated by C. C. Stafford at El Monte and Puente, Los Angeles County, it being thought that the business could be carried on more conveniently and efficiently by a corporation.

It appears that the properties of C. C. Stafford consisted of four concrete and corrugated warehouses, one located on 1.52 acres of land, owned by him, situated along the Southern Pacific right of way near Puente, and the other three on property leased from the Pacific Electric Company and the Southern Pacific at El Monte, together with equipment. The assets and liabilities, as of December 31, 1925, were reported to the Commssion as follows:

Assets.

Cost of plant, buildings, land, etc.	$52,255 66
Accounts receivable	6,255 23
Total assets	$58,510 89

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Liabilities.

Accounts payable	$25 00
Reserve for depreciation	3,387 48
Surplus	5,098 41
Capital	50,000 00
Total liabilities	$58,510 89

The corporation has an authorized capital stock of $50,000, divided into 500 shares of the par value of $100 each, all common. The company heretofore applied to the Commissioner of Corporations for permission to issue all of its authorized stock in payment for the properties of C. C. Stafford, and on May 7, 1924, received permission to do so, the order reading in part as follows:

> C. C. Stafford Milling and Warehouse Company, Inc., a California corporation, is permitted to issue 500 shares of its capital stock to its three incorporators in exchange for the transfer and assignment to the applicant, first to be made, of the property described in its application, free and clear of all liens, encumbrance or liabilities.

Applicant reports that such transfer was made and stock issued. We question the validity of the issue of the stock and believe that permission to do so should have been obtained from this Commission. It clearly appears, however, that applicant was unaware of the necessity of securing the approval of the Railroad Commission and that it issued its stock, without such approval, through inadvertence and with no intent to evade the provisions of any act. When the matter was brought to its attention it filed this petition to withdraw and cancel the certificates heretofore issued and to issue new ones in lieu thereof.

ORDER.

C. C. Stafford Milling and Warehouse Company, Inc., having applied to the Railroad Commission for an order authorizing the issue of stock, a public hearing having been held before Examiner Williams and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue of stock is reasonably required for the purpose specified herein, and that the expenditure for such purpose is not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that C. C. Stafford Milling and Warehouse Company, Inc., be and it hereby is authorized to issue 500 shares of its common capital stock, of the aggregate par value of $50,000, in lieu of stock of like amount heretofore issued without an order from the Railroad Commission for the purpose of purchasing the business and properties of C. C. Stafford described in Exhibit "C" attached to the present application.

It is hereby further ordered, that the authority herein granted shall become effective upon the date hereof, and further, that applicant shall keep such record of the issue of the stock herein authorized as will enable

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it to file, within thirty days thereafter, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twelfth day of November, 1926.

DECISION No. 17612.

IN THE MATTER OF THE APPLICATION OF EUCLID AVENUE WATER COMPANY FOR PERMISSION TO INCREASE ITS LOAN.

Application No. 13276.

Decided November 12, 1926.

SECURITIES—NOTES—TO ISSUE.—Application granted.

Theodore F. Taylor, for Applicant.

BY THE COMMISSION.

OPINION.

Euclid Avenue Water Company, a corporation engaged in supplying water for domestic and irrigation use in and about South Pasadena, asks the Railroad Commission to make an order authorizing it to issue its 7 per cent unsecured promissory note in the principal amount of $4,000 and to use the proceeds to pay an outstanding note of $2,500 and to liquidate floating indebtedness of $1,500.

Under authority granted by the Commission by Decision No. 9436, dated August 30, 1921, applicant issued a 7 per cent five-year note for $2,500 to pay in part the cost of a piece of real property said to be necessary to protect its water supply. (See Vol. 20, Opinions and Orders of the Railroad Commission of California, page 469.) The note thus issued fell due on June 27, 1926, and applicant reports that it is unable to meet the payment with moneys received as revenues and that accordingly it has made arrangements with Pacific-Southwest Trust and Savings Bank, of Pasadena, to borrow the sum necessary to discharge the earlier indebtedness.

The remaining $1,500 applicant proposes to use to liquidate current indebtedness. It reports, in this connection, that recently a new subdivision of about thirty acres has been opened in its territory and that it has been compelled to incur indebtedness of $1,749 in the purchase of meters, taps and connections; $829 being now due on account of the meters and $920 on account of the taps and connections. The testimony of the company's secretary shows that a portion of the indebtedness will be paid through earnings, but that it is believed necessary at this time to borrow $1,500.

Applicant originally asked permission to issue a three months note. At the hearing, however, it amended its petition so as to ask the further

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permission to renew the note from time to time for a total period of one year. This request seems reasonable to us and the order herein will so provide.

ORDER.

Euclid Avenue Water Company having applied to the Railroad Commission for permission to issue a note, a public hearing having been held before Examiner Williams, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through the issue of the note is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Euclid Avenue Water Company be and it hereby is authorized to issue its unsecured promissory note in the principal amount of $4,000, payable three months after date with interest at not exceeding 7 per cent per annum and to renew or refund the said note from time to time, provided that the combined terms of the original three months note and of the renewal or refunding notes do not exceed a period of twelve months from the date of this order.

The authority herein granted is subject to the following conditions:

1. The company may use the proceeds to be received through the issue of the note herein authorized to pay the note for $2,500 referred to in the foregoing opinion and to liquidate current liabilities incurred in installing extensions, additions and betterments.

2. The authority herein granted will become effective when applicant has paid the minimum fee prescribed by section 57 of the Public Utilities Act, which fee is $25.

3. Applicant shall keep such record of the issue of the note herein authorized and of the disposition of the proceeds, as will enable it to file, within thirty days thereafter a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

Dated at San Francisco, California, this twelfth day of November 1926.

DECISION No. 17626.

IN THE MATTER OF THE APPLICATION OF SKIDMORE BROTHERS CORPORATION TO WITHDRAW FROM AND DISCONTINUE SUPPLYING DOMESTIC WATER TO A PORTION OF THE TERRITORY NOW BEING SERVED.

Application No. 13213.

Decided November 15, 1926.

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SERVICE—WATER UTILITY—TO DISCONTINUE IN PART.—Application granted.

Clyde Bishop, for Applicant.

BY THE COMMISSION.

OPINION.

This is an application to discontinue a part of the public utility service now being rendered by Skidmore Brothers Corporation, which, among other things, is engaged in the business of supplying water for domestic purposes under the fictitious name and style of Laguna Heights Water System, to consumers living in and in the vicinity of Laguna Heights in Orange County. The application alleges in effect that a county water district has been duly organized under the name of Laguna Beach County Water District of Orange County, California, and includes within its legally constituted boundaries a portion of the applicant's service area, and that said water district has acquired a water supply and is now engaged in the construction of a water distributing system which will furnish water to all residents within the boundaries of said district, including those consumers now served by applicant. The Commission therefore is requested to authorize applicant to discontinue water service to all of its consumers residing within said district when said consumers are able to receive water service from the district's water system.

A public hearing in this matter was held before Examiner Williams in Laguna Beach after all interested parties had been duly notified and given an opportunity to appear and be heard.

From the evidence it appears that for several years last past there has been considerable difficulty experienced by applicant in securing an adequate water supply to meet the continuously increasing demands of the territory served. The water district was formed primarily for the purpose of making possible through this type of organization the development of an adequate water supply the costs of which were too great a burden to be undertaken by applicant herein. The district does not contemplate the purchase or acquisition of any of the mains or other facilities now used by applicant, but is at the present time installing a completely new distribution system and desires to extend service to the residents of the district progressively as the mains are installed. The discontinuance of service by applicant therefore will be gradual to consumers within the district until final completion of the system, which is estimated by representatives of the district to be on or about June 1, 1927.

Applicant supplies water to a considerable number of consumers who do not live within the water district and it desires to continue to operate as a public utility and furnish water to these consumers.

The schedule of rates as established by this Commission in its Decision No. 5793, dated September 26, 1918, provides for a minimum

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annual payment for water service. In view of the fact that certain of the consumers may not have used all the water to which they are entitled under the above rate schedule at the time service will be discontinued by applicant, such consumers will be entitled to a refund, based upon the proportion of water used.

No protests were entered against the proposed discontinuance of service by applicant, and it therefore appears that the request should be granted.

ORDER.

Skidmore Brothers Corporation, operating a public utility under the fictitious name and style of Laguna Heights Water System, having made application as entitled above, a public hearing being held thereon, the matter having been submitted, and the Commission being now fully informed thereon;

It is hereby ordered, that Skidmore Brothers Corporation be and it is hereby authorized to discontinue on the first day of June, 1927, water service to all of its consumers located within the exterior boundaries of the Laguna Beach County Water District of Orange County, California, and thereafter be relieved of all public utility obligations and liabilities heretofore incurred in connection with the service to said consumers, provided that service may be discontinued prior to the first day of June, 1927, to such of the above consumers as may be receiving water service from the distribution mains of the said water district before said date.

It is hereby further ordered, that the authority to discontinue service granted herein shall be subject to the following terms and conditions:

1. That within thirty days of the date of this order Skidmore Brothers Corporation shall notify in writing each of the consumers affected by the order herein of its intention to discontinue the service of water on the first day of June, 1927, and shall file with this Commission within thirty days of the date of this order a certified statement that such notice has been duly given.

2. That Skidmore Brothers Corporation shall refund to all consumers within the exterior boundaries of said district all amounts, if any, due such consumers at the time of discontinuance of service in proportion to the amount of water used and the duration thereof, based upon the established schedule of rates effective on this system, such refunds to be due and payable the consumers entitled thereto within thirty days of the time service is discontinued.

3. Skidmore Brothers Corporation shall file with this Commission a monthly statement setting forth the name and address of each consumer whose service has been discontinued under authority granted herein and also setting forth the amount and date of deposit paid by

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such consumer to the company; the date of discontinuance; the amount of refund made and the basis thereof: said monthly statements to commence thirty days after the first service discontinuance and to continue until June 1, 1927, or until such time as all water service within said water district has been discontinued by Skidmore Brothers Corporation as provided in the terms of the order herein.

It is hereby further ordered, that Skidmore Brothers Corporation be and it is hereby authorized to limit its service area to that territory heretofore served exclusive of the lands included within the exterior boundaries of the Laguna Beach County Water District of Orange County, California, and including the tract of land known as Coast Royal, said service area being more particularly described in the application herein.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this fifteenth day of November, 1926.

DECISION No. 17627.

IN THE MATTER OF THE APPLICATION OF THE GOLDEN GATE FERRY COMPANY, A CORPORATION, TO ISSUE BONDS TO ACQUIRE ADDITIONAL FERRYBOATS.

Application No. 13124.

Decided November 15, 1926.

SECURITIES—STOCK—BONDS—TO ISSUE.—Issuance of $460,000 additional of common stock authorized conditional upon making the expenditures set forth.

BY THE COMMISSION.

FIRST SUPPLEMENTAL ORDER.

By Decision No. 17472, dated October 13, 1926, in the above entitled matter, the Railroad Commission authorized The Golden Gate Ferry Company to issue and sell at not less than par $1,550,000 of its first mortgage fifteen-year 7 per cent bonds and $540,000 of its common stock for the purpose of financing in part the cost of constructing its proposed Berkeley pier and terminal and five additional ferryboats of the type of the M. S. *Golden State,* recently put into operation in applicant's service between the city and county of San Francisco and the city of Sausalito. The cost of the pier and terminal and of the five ferryboats was estimated at about $2,800,000.

In Decision No. 17472 the Commission suggested that applicant might, in the event it filed a supplemental petition, be given permission to issue stock to cover the difference between the estimated cost of $2,800,000 and the $2,090,000 of stock and bonds authorized by such

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decision. On October 22 applicant filed a supplemental petition in this proceeding for permission to issue $460,000 of additional common stock, said $460,000 being all of its common stock, the issue of which the Commission has not heretofore authorized. Paragraph three of the supplemental petition reads in part as follows:

> That if applicant is authorized to issue additional stock of the aggregate par value of $460,000, said stock to be issued so as to net to applicant the par value thereof, applicant will use the proceeds derived from the sale of said stock, and also will use the proceeds derived from the sale of the bonds and stock authorized to be issued in Decision No. 17472 for the construction of the Berkeley pier and terminal referred to in this proceeding, and also for the construction of one or more ferryboats of the type of the *Golden State*. That in the event it should seem expedient and desirable for applicant to purchase any ferryboats which might not be exactly of the type of the *Golden State*, and to use the proceeds derived from the securities authorized in this proceeding for the purchase of any such ferryboats, applicant will, of course, first seek authority from this Commission to use said proceeds for said purpose; that applicant has been engaged in certain negotiations which may result in applicant being able to secure additional ferryboats not exactly of the type of the *Golden State*, and also at a price which would be considerably less than the construction cost of boats of the type of the *Golden State*, and applicant desires that the Commission be advised of these facts and of the possibility that applicant may not finally actually construct five boats of the type of the *Golden State*.

The amount of stock and bonds authorized by Decision No. 17472 was based upon the evidence submitted at the hearing had on the application. If applicant will acquire boats of a type different from the M. S. *Golden State*, or at a cost less than the estimates submitted herein, the amount of stock and bonds which applicant may issue must be reduced proportionately. A. O. Stewart, president of The Golden Gate Ferry Company, reports that the company will let contracts for the construction of three boats of the type of M. S. *Golden State* and that the contract price will be about $355,000 as compared with an estimate of $380,000 heretofore submitted.

The Commission has considered the request of applicant, and is of the opinion that, if applicant purchases five boats of the type of M. S. *Golden State*, the money, property and labor procured or paid for by the issue of $460,000 of additional stock is reasonably required for the purposes specified in this order, that the expenditures herein authorized are not in whole or in part reasonably chargeable to operating expenses or to income, and that the order in said Decision No. 17472 should be modified as herein provided; therefore

It is hereby ordered, that paragraph one of the order in said Decision No. 17472 reading:

> 1. The Golden Gate Ferry Company may issue and sell at not less than par on or before April 1, 1927, $1,550,000 of its first mortgage fifteen-year 7 per cent bonds and $540,000 of its common stock.

be and it is hereby modified so as to read:

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1. The Golden Gate Ferry Company may issue if necessary, on or before June 30, 1927, $1,550,000 of its first mortgage fifteen-year 7 per cent bonds and $1,000,000 of its common stock, provided that $300,000 of said bonds may be issued in amounts equal to 100 per cent of the actual cost of acquiring and constructing the properties referred to herein, and provided further, that the $1,000,000 of said bonds and the $1,000,000 of stock may be issued from time to time in amounts equal to $50 of bonds and $50 of stock against every $100 expended for the acquisition and construction of the properties referred to herein, the issue of said stock, or any part thereof, being a condition precedent to the issue of said bonds, or any part thereof, and provided further, that the remaining $250,000 of bonds may not be issued until the Commission has authorized applicant to issue $250,000 more of stock.

It is hereby further ordered, that paragraph two of the order in Decision No. 17472 reading:

> 2. The Golden Gate Ferry Company shall use the proceeds from the sale of the bonds, other than accrued interest, and stock herein authorized to pay in part the cost of the construction of the ferry boats and the Berkeley pier and terminal, referred to in this application; said boats, pier and terminal to be constructed in accordance with the plans and specifications now on file in this proceeding. The accrued interest may be used for general corporate purposes. Any proceeds not needed for any of the aforesaid purposes may be expended only for such purposes as the Commission will authorize in a supplemental order or orders.

be and it is hereby modified so as to read:

2. The Golden Gate Ferry Company shall sell the bonds and stock herein authorized to be issued at not less than par, and shall use the proceeds from the sale of the bonds, other than accrued interest, and the stock herein authorized to be issued, to pay in whole or in part the cost of acquiring and constructing five ferryboats of the type of the M. S. *Golden State*, and the Berkeley pier and terminal referred to in this application, said boats, pier and terminal to be constructed in accordance with the plans and specifications now on file in this proceeding, or for such other boats as may be approved by the Commission. The accrued interest may be used for general corporate purposes. Any proceeds not needed for any of the aforesaid purposes may be expended only for such purposes as the Commission will authorize in a supplemental order or orders.

It is hereby further ordered, that the order in Decision No. 17472, dated October 13, 1926, shall remain in full force and effect except as modified by this first supplemental order.

Dated at San Francisco, California, this fifteenth day of November, 1926.

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Decision No. 17639.

IN THE MATTER OF THE APPLICATION OF NEVADA, CALIFORNIA AND OREGON TELEGRAPH AND TELEPHONE COMPANY FOR AN ORDER AUTHORIZING THE CREATION OF A BONDED INDEBTEDNESS AND THE ORIGINAL ISSUE AND SALE THEREUNDER OF ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS PAR VALUE OF BONDS, AND FOR PERMISSION TO EXPEND THE PROCEEDS FROM SUCH SALE FOR EXTENSIONS AND ADDITIONS AND FOR CANCELLATION OF EXISTING INDEBTEDNESS.

Application No. 13202.

Decided November 18, 1926.

SECURITIES—BONDS—TO SELL.—Nevada, California and Oregon Telegraph and Telephone Company authorized to issue and sell $109,000 of first mortgage 6½ per cent twenty-year bonds, at not less than 94 per cent of face value, plus accrued interest.

Albert A. Rosenshine, for Applicant.

BY THE COMMISSION.

OPINION.

Nevada, California and Oregon Telegraph and Telephone Company has applied to the Railroad Commission for an order authorizing it to execute a mortgage and/or deed of trust and to issue and sell, at not less than 94 per cent of face value plus accrued interest, $145,000 of first mortgage 6½ per cent twenty-year bonds.

Nevada, California and Oregon Telegraph and Telephone Company is engaged in the telegraph and telephone business, primarily of a toll nature, in Lake County, Oregon, in Washoe County, Nevada, and in Modoc, Lassen and Plumas counties, California. Recently the Commission, by Decision No. 16989, dated June 25, 1926, and by Decision No. 17118, dated July 17, 1926, authorized the company to extend its service into Shasta and Tehama counties by building lines from Bieber, Lassen County, to Fall River Mills, Shasta County, and from Chester, Plumas County, to Paynes Creek, Tehama County.

As of July 31, 1926, applicant reports its assets and liabilities as follows:

Assets.

Fixed capital—		
Toll pole line	$70,212 68	
Toll aerial wire	52,836 98	
Central office equipment	9,204 65	
Station equipment	24,958 32	
Exchange pole line	8,846 63	
Exchange aerial cable	8,105 49	
Exchange aerial wire	9,904 85	
Exchange underground conduit	861 68	
Exchange underground cable	1,310 44	
General equipment	5,455 90	
Toll underground conduit	39 45	
Toll underground cable	12 00	
Organization	12,079 01	
Franchises and right of way	35,983 15	
Undistributed	3,203 72	
		$243,014 95

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Working assets—		
Cash and deposits	$9,254 12	
Employees' working fund	489 75	
Accounts receivable	6,690 65	
Material and supplies	1,457 99	
		$17,892 51
Deferred debit items		3,098 90
Total assets		$264,006 36

Liabilities.

Stock—		
First preferred stock	$40,830 00	
Second preferred stock	13,484 00	
Common stock	9,880 00	
		$64,194 00
Funded debt		46,500 00
Working liabilities—		
Notes payable	$5,900 00	
Accounts payable	4,339 12	
Subscribers' deposits	158 25	
Accruals	8,417 35	
		18,814 72
Deferred credits—		
Reserve for depreciation	$68,517 84	
Reserve for amortization of intangible capital	6,509 99	
Other deferred credits	429 55	
		75,457 38
Surplus—		
Invested in fixed capital	$2,785 29	
Invested in sinking fund	13,971 67	
Unappropriated	42,283 30	
		59,040 26
Total liabilities		$264,006 36

In addition to the $46,500 of first mortgage bonds shown outstanding the company reports $8,500 of bonds issued and pledged to secure the payment of notes which it intends to pay from the proceeds of the bonds which it desires permission to sell.

In this proceeding applicant asks permission to issue $145,000 of Series "A" 6½ per cent twenty-year bonds and sell such bonds at not less than 94 per cent and use the proceeds for the following purposes:

1—For the payment and redemption of the outstanding $46,500 of first mortgage 6 per cent bonds	$48,825 00
2—For the construction of additions, betterments and extensions to its properties	48,789 00
3—For the payment of outstanding notes	5,900 00
4—For the reimbursement of the company's treasury on account of earnings expended for additions and betterments from January 1 to July 31, 1926	6,783 00
5—For the acquisition by purchase of existing telephone and telegraph property	22,500 00
6—For the payment of the cost of issue and sale of the $145,000 of bonds	12,203 00
Total	$145,000 00

The $46,500 of first mortgage bonds which applicant desires to pay were issued pursuant to the authority granted by this Commission in Decision No. 1262, dated February 7, 1914. They were used to finance in part the purchase by applicant of the properties then operated by

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the California-Oregon Telephone Company and California Northern Telephone and Telegraph Company. (Vol. 4, Opinions and Orders of the Railroad Commission of California, page 168.) The $46,500 of bonds have been called for redemption at 105, or at a cost of $48,825. To realize $48,825 through the sale of 6½ per cent bonds at 94, applicant will have to issue and sell $51,941 of said bonds. Considering the interest charge only there will be an annual increase in fixed charges on account of this refunding of $585.16. In addition there will be an increase of $5,441 in the principal of bonds outstanding. The company urges that it can not sell its first mortgage bonds on account of certain provisions of its mortgage, nor can it obtain a reasonable price for new bonds so long as the first mortgage bonds are outstanding. It has, therefore, concluded to redeem the first mortgage bonds even though it results in an increase in the annual interest charges on the amount of bonds outstanding. The request to redeem 6 per cent bonds through the issue of 6½ per cent bonds at 94 will not be granted. We will authorize the company to use the proceeds from $43,000 of 6½ per cent bonds to redeem in whole or in part the $46,500 of 6 per cent bonds. Any additional money needed to redeem the 6 per cent bonds should be obtained from the sale of common stock to replace some of the common stock heretofore purchased by the company or from surplus earnings available for dividends on the common stock. Through such a refunding there will be no material increase in the annual fixed charges of the company.

The company further asks permission to use $48,789.52 for construction purposes. The $48,789.52 is to be used to construct the following telephone lines and equip the same:

Between Susanville and Red Bluff, 105.6 miles	$25,231 36
Between Milford and Doyle, 22 miles	3,681 03
Between Aiden and Alturas, 45.1 miles	7,030 53
Between Fall River Mills and Bieber, 22.5 miles	7,686 02
Between Bieber and Aiden, 14.1 miles	5,160 58
Total	$48,789 52

Applicant's Exhibit "D" contains a detailed estimated cost of the several telephone lines and includes the two lines to be built pursuant to the authority granted by this Commission in Decisions No. 16989 and No. 17118. It appears that construction work has been started on some of the lines and that up to July 31, 1926, there was expended the sum of $3,203.72. Applicant reports that until funds are available from the sale of the bonds it will continue with such construction, paying the same either from earnings or from the proceeds of short term notes. It asks an order from the Commission permitting it to reimburse its treasury or pay notes which may be issued on account of such construction. This request will be granted as will also applicant's request to use bond proceeds to pay $5,900 of outstanding notes issued to finance new construction and its request to reimburse its

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treasury to the extent of $6,783 on account of earnings expended for additions and betterments between January 1 and July 31, 1926.

In regard to the expenditure of $22,500 for the purchase of additional telephone properties the company in its petition recites that it is not in a position at this time to furnish the detailed information required by the Commission in connection with the proposed purchase of telephone property nor is it in a position to make formal application to the Railroad Commission for the right to purchase such property. It requests that any order issued by the Commission shall provide the sum of $22,500 to be held by the trustee subject to further order of the Commission. This Commission will not authorize the issue of bonds for the purpose of purchasing properties until it has authorized the sale of the properties to and purchase by applicant.

The company appropriates $12,203 of the proceeds which it intends to obtain from the sale of $145,000 of bonds to pay the cost of the issue and sale of such bonds. If applicant were to sell $145,000 of bonds at 94, it would incur a discount of $8,700. This discount is apparently included in the $12,203. Deducting the $8,700 from the $12,203 leaves a balance of $3,503 to cover the actual cost of issuing and selling the bonds. We believe that any expense incurred by applicant in connection with the issue and sale of the bonds should be paid out of applicant's earnings and not with proceeds obtained from the sale of the bonds. The order herein will permit applicant to issue $109,000 of bonds and will indicate the purposes for which the proceeds may be used. The remaining $36,000 of bonds may be issued only after the Commission by supplemental order or orders has authorized their issue and indicated the purposes for which the proceeds may be used.

The mortgage and/or deed of trust filed in this proceeding as applicant's Exhibit "C" is satisfactory in form except in two particulars. We believe that the proviso of section eleven of article six reading:

> Provided, however, that if at any time after receiving such written request of the holder or holders of twenty-five (25) per cent in amount of the bonds hereby secured and then outstanding, there be delivered to the trustee a notice in writing signed by the holder or holders of a majority in amount of the bonds hereby secured and then outstanding and directing the trustee to disregard such written request then and in that event the trustee, upon being reasonably indemnified, shall obey the terms of such notice so executed by the holder or holders of a majority in amount of such bonds, and shall take such action as such notice shall direct, and the trustee may take under the provisions of this indenture.

should be eliminated. We are further of the opinion that wherever the term "seventy-five per cent" is used in article nine, it should be changed to "eighty per cent."

ORDER.

The Nevada, California and Oregon Telegraph and Telephone Company having applied to the Railroad Commission for an order authorizing the execution of a mortgage and/or deed of trust and the issue of

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$145,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that applicant should at this time be permitted to issue $109,000 of said bonds and that the issue of the bonds is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, that Nevada, California and Oregon Telegraph and Telephone Company be and it is hereby authorized to execute a mortgage and/or deed of trust substantially in the same form as that filed in this proceeding as Exhibit "C" as modified by Exhibit "1" and as further modified as indicated in the foregoing opinion, and to issue and sell, on or before June 30, 1927, at not less than 94 per cent of face value plus accrued interest, not exceeding $109,000 of first mortgage 6½ per cent twenty-year bonds.

The authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage and/or deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of such mortgage and/or deed of trust as to such other legal requirements to which said mortgage and/or deed of trust may be subject.

2. Applicant may use the proceeds to be obtained through the issue of the $109,000 of bonds, other than accrued interest, for the following purposes:

a. To finance the estimated expenditures set forth in Exhibit "D," or to reimburse its treasury on account of surplus earnings used for such purposes or to pay indebedness incurred for such purposes, about	$48,789 00
b. To reimburse its treasury on account of earnings used for capital additions during the period from Jan. 1 to July 31, 1926, not exceeding	6,783 00
c. To pay in part the $46,500 of bonds referred to in the foregoing opinion, or to reimburse its treasury on account of earnings used for such purpose or to pay indebtedness incurred for such purpose	40,420 00
d. To pay outstanding notes	5,900 00

The accrued interest may be used for general corporate purposes.

3. Applicant shall file with the Commission, as soon as available, a certified copy of its mortgage and/or deed of trust as finally executed.

4. Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds as will enable it to file, on or before the twenty-fifth day of each month, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

5. The authority herein granted to issue bonds shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $67.

Dated at San Francisco, California, this eighteenth day of November, 1926.

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DECISION No. 17641.

IN THE MATTER OF THE APPLICATION OF CALIFORNIA TELEPHONE AND LIGHT COMPANY, A CORPORATION, AND SACRAMENTO VALLEY TELEPHONE COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING THE FORMER TO SELL AND CONVEY AND THE LATTER TO PURCHASE AND ACQUIRE THE PROPERTIES REFERRED TO IN THIS PETITION; OF SACRAMENTO VALLEY TELEPHONE COMPANY FOR AUTHORIZATION TO EXECUTE AND DELIVER A PROMISSORY NOTE IN THE FACE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS; AND OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, FOR AUTHORIZATION TO ENDORSE AND BECOME THE GUARANTOR OF SAID PROMISSORY NOTE TO BE EXECUTED BY SACRAMENTO VALLEY TELEPHONE COMPANY.

Application No. 13271.

Decided November 18, 1926.

TRANSFER—TELEPHONE UTILITY—NOTES—TO ISSUE.—California Telephone and Light Company authorized to sell its telephone properties to Sacramento Valley Telephone Company for four hundred thousand dollars, of which three hundred thousand dollars is payable in cash, and one hundred thousand dollars in a promissory note payable in two years, without interest. Purchaser authorized to issue said note.

C. P. Cutten, for California Telephone and Light Company.
J. T. Shaw, for Sacramento Valley Telephone Company and The Pacific Telephone and Telegraph Company.

BY THE COMMISSION.

OPINION.

In the above entitled matter the Railroad Commission is asked to make an order:

1. Authorizing California Telephone and Light Company, hereinafter sometimes mentioned as California Company, to grant, sell and convey for $400,000 to Sacramento Valley Telephone Company, hereinafter sometimes mentioned as Sacramento Company, all of its properties used in the conduct of its telephone and telegraph business, and authorizing Sacramento Company to purchase and acquire such properties;

2. Authorizing California Company, upon transfer of its properties to Sacramento Company, to cease furnishing and supplying telephone service in the territory in which it now operates;

3. Authorizing Sacramento Company to execute its promissory note to California Company in the principal amount of $100,000 payable two years after date, without interest, in part consideration for the transfer of the properties; and

4. Authorizing The Pacific Telephone and Telegraph Company to endorse and become the guarantor of said promissory note.

The record shows that California Company is engaged in the business of generating, transmitting, distributing, selling, buying and dealing generally in electricity for light, heat and power, and also in

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the business of conducting, controlling and operating a telephone and telegraph system, its properties being located in portions of Sonoma, Mendocino, Napa and Lake counties. It appears that the company desires to withdraw from the telephone business and to devote its efforts exclusively to the conduct of the business of an electrical corporation and for this reason has entered into an agreement to sell all of its telephone properties. In this connection it might be added that California Company is controlled through stock ownership by Pacific Gas and Electric Company, which company owns about 99 per cent of its outstanding stock.

The revenues and expenses of the telephone business of the selling corporation have been reported to the Commission in the company's annual reports, and for the calendar years 1923, 1924 and 1925 have been as follows:

	1925	*1924*	*1923*
Operating revenues	$109,163 98	$100,666 48	$95,496 44
Operating expenses	79,808 36	85,244 41	75,294 68
Net operating revenues	$29,355 62	$15,422 07	$20,201 76
Uncollectible revenues	$715 44	$776 74	
Taxes	6,528 51	5,900 06	$5,737 80
Deductions from net operating revenues	$7,243 95	$6,676 80	$5,737 80
Operating income	$22,111 67	$8,745 27	$14,463 96
Nonoperating income—			
Miscellaneous rent revenue		$375 10	
Dividend revenues	$6 91	7 34	
Interest revenues	309 92	152 44	
Miscellaneous nonoperating revenues		49	$379 76
Total nonoperating revenues	$316 83	$535 37	$379 76
Gross income	$22,428 50	$9,280 64	$14,843 72

The property to be sold consists, in general, of exchange, toll and farmer line telephone plants and systems; lands, buildings, easements and rights of way upon and in which the same are maintained; and all of the telephone franchises, business and goodwill, including the company's telephone exchanges at Calistoga, Healdsburg, Guerneville, Lakeport, Sonoma, Middletown and Potter Valley, the land and buildings at Calistoga and Healdsburg, upon and in which the Calistoga and Healdsburg exchanges are situate, and the suburban telephone lines and property out of Cloverdale, Geyserville, Santa Rosa and Sebastopol, and all materials and supplies on hand for use exclusively in the telephone business. A valuation of the physical properties, made by engineers of the purchasing company, was filed in the proceeding, as Exhibit "1," and shows the estimated reproduction cost, as of September 20, 1925, at $488,366.96, the estimated condition per cent at 76.7,

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and the "appraised structural value" at $374,574. To this latter figure additions and betterments of $1,410, made during the period from October 1, 1925, to December 31, 1925, are added, bringing the appraised structural value, as of December 31, 1925, up to $375,984.

A copy of the agreement between California Company and Sacramento Company is filed with the application as Exhibit "A." The instrument is dated September 23, 1926, and provides for a total payment for the properties of $400,000, based upon the value of such properties on January 1, 1926, plus, or minus, an amount equal to the value of net additions to, or deductions from, the properties between January 1, 1926, and the date of delivery of the deed of conveyance. Of the proposed purchase price, $300,000 is payable in cash upon the delivery of the deed of conveyance, subject to adjustment for additions to, or deductions from, the properties subsequent to January 1, 1926, and $100,000 by a promissory note payable two years after date of issue, without interest, and guaranteed by The Pacific Telephone and Telegraph Company.

Sacramento Company, the purchasing company, is engaged in the general telephone business in the counties of Glenn and Tehama, a portion of its territory being contiguous to that served by California Company. The company is controlled through stock ownership by The Pacific Telephone and Telegraph Company, which is reported to own in excess of 98 per cent of its outstanding stock. The Pacific Telephone and Telegraph Company will advance to Sacramento Company the $300,000 needed to make the cash payment under the agreement with California Company, and has agreed, and asks permission, to guarantee the note to be issued by Sacramento Company to complete the transaction.

The balance sheet of Sacramento Company shows its assets and liabilities, as of August 31, 1926, as follows:

Assets.

Fixed capital	$474,752 83
Cash and deposits	2,599 77
Accounts receivable	10,905 77
Materials and supplies	4,637 58
Prepayments	2,269 98
Other deferred debits	118 44
Total assets	$495,284 37

Liabilities.

Capital stock	$193,800 00
Funded debt	190,000 00
Advances from system corporations	257,000 00
Bills payable	99,000 00
Accounts payable	63,243 82
Accrued liabilities not due	12,053 21
Reserve for accrued depreciation	2,285 55
Reserve for amortization of intangible capital	496 00
Loss from operation since December 31, 1925	35,163 66
Deficit	287,430 55
Total liabilities	$495,284 37

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We have given consideration to this application and are of the opinion that public convenience and necessity will be served better by the transfer of the telephone properties to, and the operation thereafter by, a corporation engaged solely in the telephone business. In passing on the application, however, we have considered the proposed purchase price of $400,000 only as the consideration agreed upon by the two parties to the transaction and in authorizing the transfer of the properties at that price we are not to be understood as making a finding of value of such properties to be used as the basis for an order fixing rates or permitting the issue of securities or for any purpose other than this transaction. Although permitting the sale of the properties upon the terms indicated in the agreement of September 26, 1926, the Commission reserves the right to determine, in this or in any subsequent proceeding, the amount of the purchase price that may be charged to capital accounts. It is of record that the purchaser does not contemplate any change at this time in the rates, rules and regulations of California Company.

ORDER.

Application having been made to the Railroad Commission, as indicated in the foregoing opinion, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the application should be granted as herein provided and that the money, property or labor to be procured or paid for through the issue of the $100,000 note is reasonably required by Sacramento Valley Telephone Company, one of the applicants herein, for the purpose specified herein, and that the expenditure of the $100,000 is not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, as follows:

1. California Telephone and Light Company may sell and convey to Sacramento Valley Telephone Company the properties described in the agreement, dated September 23, 1926, a copy of which is attached to the application herein as Exhibit "A," and Sacramento Valley Telephone Company may purchase and acquire such properties, such sale and purchase to be in accordance with and under the terms and conditions of said agreement.

2. California Telephone and Light Company may, upon the transfer of its properties to Sacramento Valley Telephone Company, as herein permitted, cease furnishing and supplying telephone and telegraph service in the territory in which it now furnishes such service, provided that Sacramento Valley Telephone Company undertakes the furnishing of such service upon acquisition of the properties.

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3. Sacramento Valley Telephone Company may execute in favor of California Telephone and Light Company its promissory note in the principal amount of $100,000, payable two years after date of issue, without interest, to pay in part the cost of the properties herein authorized to be transferred.

4. The Pacific Telephone and Telegraph Company may endorse and become the guarantor of the $100,000 note which Sacramento Valley Telephone Company is herein authorized to issue.

The authority herein granted is subject to the following conditions:

(a) The consideration being paid for the properties herein authorized to be transferred shall not be urged as a measure of value of said properties for the purpose of fixing rates, issuing securities or any purpose other than this transfer.

(b) Sacramento Valley Telephone Company within thirty days after the acquisition of said properties shall file with the Commission a certified copy of the deed or bill of sale or other instrument of conveyance under which it acquires title to said properties.

(c) Sacramento Valley Telephone Company shall keep such record of the issue of the note herein authorized as will enable it to file, within thirty days thereafter, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(d) The authority herein granted Sacramento Valley Telephone Company to issue a note will become effective when Sacramento Valley Telephone Company has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $100. In other respects the authority herein granted will become effective twenty days after the date hereof.

Dated at San Francisco, California, this eighteenth day of November, 1926.

DECISION No. 17643.

IN THE MATTER OF THE APPLICATION OF THE SOUTHERN CALIFORNIA GAS COMPANY FOR AN ORDER AUTHORIZING THE ISSUE AND SALE OF BONDS.

Application No. 13278.

Decided November 18, 1926.

SECURITIES—BONDS—TO ISSUE.—Southern California Gas Company authorized to issue and sell $200,000 of first and refunding mortgage Series "B" 5½ per cent bonds.

A. E. Peat, for Applicant.

BY THE COMMISSION.

OPINION.

Southern California Gas Company has applied to the Railroad Commission for permission to issue and sell at the face value thereof

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$200,000 face amount of its first and refunding mortgage Series "B" 5½ per cent bonds, to be dated September 1, 1922, and to mature September 1, 1952, and to use the proceeds to reimburse its treasury for, or to provide the cost of, making additions, extensions, improvements and betterments to its property the cost of which has not been reimbursed or provided through the issue of other securities, or to liquidate indebtedness incurred for the purpose of paying for such additions, extensions, improvements and betterments.

The bonds applicant proposes to issue are part of an authorized amount of $25,000,000, of which $12,865,000 were reported outstanding as of September 30, 1926, and which consist of $2,865,000 of Series "A" 7 per cent bonds due March 1, 1951, $6,000,000 of Series "B" 5½ per cent bonds due September 1, 1952, and $4,000,000 of Series "C" 6 per cent bonds due June 1, 1958. In addition $4,351,000 of first mortgage 6 per cent bonds due November 1, 1950, are outstanding making a total bonded indebtedness of $17,216,000. As of September 30th total assets and liabilities were reported as follows:

Assets.

Fixed capital		$31,860,960 86
Miscellaneous investments		401,046 20
Subscriptions to capital stock		500,661 97
Current assets—		
Cash	$828,533 51	
Notes receivable	644,181 30	
Accounts receivable	582,590 21	
Marketable securities	276,805 01	
Interest receivable	28,781 10	
Material and supplies	512,076 86	
Miscellaneous	144,310 58	
		3,017,278 57
Bond discount and expense		1,076,228 08
Stock discount		314,296 50
Other deferred debits		163,376 77
Special funds		146,505 93
Total assets		$37,480,354 88

Liabilities.

Capital stock—		
Common	$6,000,000 00	
Preferred	3,325,500 00	
		$9,325,500 00
Bonded debt		17,216,000 00
Stock subscription		633,795 50
Current and other liabilities—		
Accounts payable	$716,471 77	
Consumers' deposits	134,964 84	
Dividends declared	49,179 80	
Unpaid compensation awards	7,251 09	
Accruals	531,217 37	
Construction deposits	1,816,168 34	
Miscellaneous	22,873 32	
		3,278,126 53
Reserve for depreciation		3,396,585 60
Other reserves		941,147 23
Unappropriated surplus		2,689,200 02
Total liabilities		$37,480,354 88

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In Exhibit "B," attached to the application, the company reports capital expenditures from August 31, 1924, to November 30, 1925, of $3,686,779.42, to which it adds the sum of $132,782.55, said to be the balance expended prior to August 31, 1924, against which no bonds were issued, making a total of $3,819,561.97. Seventy-five per cent of this sum, which is the amount that may, under applicant's mortgage or deed of trust, be financed through the issue of bonds, is $2,864,671.48, and against this amount the company, under authority granted by Decision No. 15951, has issued $2,000,000 of bonds, leaving a balance of $864,671.48 which applicant alleges may be financed with bond proceeds and on account of which it has filed this application.

ORDER.

Southern California Gas Company having applied to the Railroad Commission for permission to issue and sell bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue and sale is reasonably required for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or to income;

It is hereby ordered, that Southern California Gas Company be and it hereby is authorized to issue and sell, on or before March 31, 1927, at not less than face value plus accrued interest $200,000 of its first mortgage Series "B" 5½ per cent bonds due September 1, 1952, and to use the proceeds, other than accrued interest, which may be used for general corporate purposes, to reimburse its treasury on account of surplus earnings used in making the additions, extensions, betterments and improvements to its properties which are referred to in the foregoing opinion, and/or to pay, in part, indebtedness incurred in making such additions, extensions, betterments and improvements.

The authority herein granted is subject to the following conditions:

(1) Applicant shall keep such record of the issue and sale of the bonds herein authorized and of the disposition of the proceeds, as will enable it to file, on or before the twenty-fifth day of each month, a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

(2) The authority herein granted shall become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $200.

Dated at San Francisco, California, this eighteenth day of November, 1926.

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DECISION No. 17644.

IN THE MATTER OF THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA AUTHORIZING APPLICANT TO REIMBURSE ITS TREASURY FOR CAPITAL EXPENDITURES AND TO FINANCE THE CONSTRUCTION OF ADDITIONS, EXTENSIONS, BETTERMENTS AND IMPROVEMENTS IN THE MANNER SET FORTH HEREIN.

Application No. 13291.

Decided November 18, 1926.

SECURITIES—STOCK AND BONDS—TO REIMBURSE TREASURY.—Pacific Gas and Electric Company authorized to use the proceeds from the sale of preferred and common stock to reimburse treasury for capital expenditures in the sum of $6,631,162.88.

C. P. Cutten, for Applicant.

BY THE COMMISSION.

OPINION.

In the above entitled matter Pacific Gas and Electric Company asks the Railroad Commission to make an order authorizing it to use proceeds to be received from the sale of preferred and common stock and bonds heretofore authorized to be issued to reimburse its treasury and/or to pay in part the cost of constructing additions, betterments, extensions and improvements to its facilities and to those of Mount Shasta Power Corporation.

In a former proceeding, Application No. 12192, filed on December 3, 1925, the company reported unreimbursed capital expenditures of the two companies at September 30, 1925, at $10,114,330.26. In this proceeding it reports that during the period from October 1, 1925, to August 31, 1926, there was expended for the construction, completion, extension and improvement of plants and facilities the sum of $17,283,981.56; for the purchase of 55 shares of the capital stock of Northern California Power Company, Consolidated, the sum of $1,869.98 and for the purchase of 8,566.6 shares of the capital stock of Sacramento Gas Company the sum of $428,330. The four items aggregate $27,828,511.80.

During the same period—October 1, 1925, to August 30, 1926—the company reports that it received from the sale of preferred and common stock and bonds which the Commission heretofore has authorized to be issued, the sum of $21,197,348.92, and that this sum was used to meet the expenditures of $27,828,511.80, leaving a balance said to represent unreimbursed capital expenditures at August 31, 1926, of $6,631,162.88.

Applicant now asks permission to use stock and bond proceeds to be received to reimburse its treasury on account of these reported unreimbursed expenditures of $6,631,162.88, and/or to finance in part the

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unexpended balances on construction work authorized at August 31, 1926, and the estimated cost of new construction during the remainder of 1926 and during 1927. These items are as follows:

Unreimbursed capital expenditures at August 31, 1926, of Pacific Gas and Electric Co. and Mount Shasta Power Corporation (Exhibit "B")	$6,631,162 88
Unexpended balance of capital expenditures authorized at August 31, 1926, by Pacific Gas and Electric Co. (Exhibit "C")	7,230,169 53
Estimated cost of new construction, Pacific Gas and Electric Co. for 1926 and 1927 (Exhibit "D")	8,000,000 00
Unexpended balance of capital expenditures authorized at August 31, 1926, by Mount Shasta Power Corporation (Exhibit "E")	1,126,208 61
Total	$22,987,541 02

To meet these expenditures, in part, the company asks permission to use amounts which it reports will be received from unpaid stock subscriptions and unsold stock at August 31, 1926, and from the $250,000 of bonds authorized by Decision No. 17202. These amounts are as follows:

Receivable from sale of first preferred stock:		
Under Decision No. 8315	$1,335 00	
Under Decision No. 10872	636 01	
Under Decision No. 11534	130 00	
Under Decision No. 15782	72,227 72	
Under Decision No. 15895	114,410 86	
Under Decision No. 16473	143,788 06	
		$332,527 65
Receivable from sale of common stock:		
Under Decision No. 13750	$505 00	
Under Decision No. 13910	6,451 88	
Under Decision No. 14767	435 00	
Under Decision No. 14790	20,362 20	
		27,754 08
Receivable from sale of first and refunding bonds authorized by Decision No. 17202		245,000 00
Total securities and accounts available		$605,281 73

Deducting the $605,281.73 from the reported actual or estimated expenditures of $22,987,541.02 leaves a balance of $22,382,259.29 to be financed by subsequent issue of securities, if the Commission in later proceedings finds such expenditures reasonable and necessary. The authority herein granted is an approval of said expenditures of $22,987,541.02 only to the extent of $605,281.73.

ORDER.

Pacific Gas and Electric Company having applied to the Railroad Commission for permission to use the proceeds from the sale of preferred and common stock and bonds heretofore authorized to be issued, and the Railroad Commission being of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted as herein provided and that the money, property or

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labor to be procured or paid for through the use of such proceeds is reasonably required for the purposes specified herein and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expense or income;

It is hereby ordered, that Pacific Gas and Electric Company be and it hereby is authorized to use the proceeds received, or to be received, from the sale of the preferred and common stock and bonds, the issue of which has been authorized by the Commission in the proceedings to which reference is made in the foregoing opinion, to reimburse its treasury in part on account of capital expenditures of $6,631,162.88, made prior to August 31, 1926, and/or to finance, in part, such cost of the additions, betterments, extensions and improvements to its facilities, and to those of Mount Shasta Power Corporation, shown in Exhibits "B," "C," "D" and "E" filed in this proceeding as is properly chargeable to fixed capital accounts under the uniform systems of accounts prescribed or adopted by this Commission.

It is hereby further ordered, that the orders heretofore made in Decisions Nos. 8315, 10872, 11534, 13750, 13910, 14767, 14790, 15782, 15895, 16473 and 17202 shall remain in full force and effect except as modified by this order.

It is hereby further ordered, that the authority granted shall become effective upon the date hereof.

Dated at San Francisco, California, this eighteenth day of November, 1926.

DECISION No. 17653.

IN THE MATTER OF THE APPLICATION OF FRANS NELSON AND SONS, INCORPORATED, FOR PERMISSION TO OPERATE A WATER SYSTEM APPROXIMATELY THREE MILES NORTH OF LONG BEACH, CALIFORNIA.

Application No. 13096.

Decided November 19, 1926.

CERTIFICATE—WATER UTILITY—RATES.—Certificate granted **Frans Nelson and Sons,** Incorporated, to operate water utility in Tracts Nos. **5470, 5737, 5965, 5966,** 6069, 6229 and 7309, Los Angeles County. Flat rate of $1.50 per month for residence service established.

H. F. Nelson, for Applicants.

BY THE COMMISSION.

OPINION.

Frans Nelson and Sons, Incorporated, ask the Railroad Commission for authority to operate a public utility water system and serve domestic water to consumers in Tracts 5470, 5737, 5965, 5966, 6069 and 6229, and by amendment to the original application, to Tract 7309, all within Los Angeles County.

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A public hearing in this matter was held before Examiner Williams in Los Angeles, after all interested parties had been duly notified and given an opportunity to appear and be heard.

The evidence shows that Frans Nelson and Sons, Incorporated, are the subdividers of the above named tracts and that they installed a water system to aid in the sale of lots and to supply residents of the tract with water for domestic purposes. Water is obtained from wells and pumped into elevated tanks, from which it is distributed by gravity to the consumers. The tracts are piped with 5, 3 and 2½ inch redwood pipe, except Tract 7309, which is piped with 2½-inch iron pipe. The tracts consist of 949 lots, of which only 209 are occupied and receiving water service.

This system has been in operation for three years. Under the terms of the contract of sale, Frans Nelson and Sons, Incorporated, agreed to furnish water up to January, 1926, at a price of 50 cents per lot, regardless of whether a house was built or water connection made. Subsequent to January 1, 1926, a flat rate of $1.50 per month has been charged to each consumer of water. The water mains have been installed on easements over the back of the lots or in streets prior to their acceptance by the county officials, therefore a county franchise has not been obtained.

Applicants request permission to charge a flat rate of $1.50 per month, which is the rate now in effect. This rate compares favorably with the rates charged by other water utilities operating in the near vicinity and under like conditions.

No one appeared to protest the granting of the application herein, and as there is no other public utility in the immediate vicinity from which water can be obtained for the above tracts, it appears that the application should be granted.

ORDER.

Frans Nelson and Sons, Incorporated, having made application to the Railroad Commision as entitled above, a public hearing having been held, the matter having been duly submitted and the Commission being now fully advised thereon:

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require that Frans Nelson and Sons, Incorporated, operate a water system for the purpose of supplying water for domestic and other uses in Tracts 5470, 5727, 5965, 5966, 6069, 6229 and 7309, Los Angeles County.

It is hereby ordered, that Frans Nelson and Sons, Incorporated, be and they are hereby directed to file with this Commission, within twenty

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days from the date hereof, the following rate to be charged for all water delivered to consumers subsequent to November 30, 1926:

Flat Rate.

For all residences, per month, each $1 50

It is hereby further ordered, that Frans Nelson and Sons, Incorporated, be and they are hereby directed to file with this Commission, within thirty days from the date of this order, rules and regulations to govern their relations with consumers, such rules and regulations to become effective upon their acceptance by this Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this nineteenth day of November, 1926.

DECISION No. 17656.

IN THE MATTER OF THE APPLICATION OF FAIRFAX INCLINE RAILWAY COMPANY, J. HOCHFELDER, PRESIDENT AND MANAGER, FOR PERMISSION TO RAISE FARES ON ABOVE RAILWAY OPERATING BETWEEN BASE AND TOP OF HILL AT FAIRFAX, MARIN COUNTY, CALIFORNIA.

Application No. 13176.

Decided November 22, 1926.

RATES—INCLINE RAILWAY—TO INCREASE.—Fairfax Incline Railway Company authorized to increase rates from 5 cents to 6 cents on week days, and to 10 cents on Sundays and holidays, and 50-ride family commutation tickets to $1.80.

J. Hochfelder, for Applicant.

WHITSELL, *Commissioner.*

OPINION.

In this application the Fairfax Incline Railroad Company, erroneously designated in the title of this proceeding as the Fairfax Incline Railway Company, asks permission of this Commission to increase the rates of fare charged upon its railroad as per exhibit attached to and made a part of its application.

A public hearing was held in this matter in Fairfax, at which time evidence was offered and the matter submitted.

The Fairfax Incline Railroad Company was incorporated on June 16, 1913. When the company began operation, passengers were carried without charge, it being implied that the railroad would continue for the benefit of the adjacent property owners. However, soon thereafter a tariff was put into effect and on the date this application was filed fares of 5 cents for a single trip and $3 for a book of one hundred rides were in effect.

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Applicant asks permission to increase the single trip fare from 5 cents to 10 cents on Sundays and holidays and to discontinue the book of one hundred rides. Applicant's representative testified that the greater portion of the revenue was obtained during the summer months and that during six summer months of 1926 (March to August, inclusive) the company incurred a deficit of $71.99 after paying operating expenses, taxes and fixed charges but without making any allowance for depreciation. It was further testified that certain material revenue derived from sightseeing busses was lost in the early part of the year, due to a change in route of these busses and that due to this loss of revenue and the relatively small amount of revenue earned during the winter months, the loss shown above will be greatly increased at the end of a year's operation.

The Commission's assistant engineer, John E. Cooper, presented an estimate of the results from operation for an entire year. This estimate was based upon the six months' operation as shown in applicant's exhibit and upon the operations during the year 1925. On this basis it was estimated that the company, under existing rates, would incur an operating deficit of approximately $730. No allowance for depreciation was made in the above estimate and much needed repairs will, if taken care of this year, greatly increase the above loss.

A valuation of the physical property as of April 30, 1925, was prepared by the Commission's Engineering Department, at which time the value was estimated on a historical reproduction cost basis to be $18,641. A survey of the property at the present time disclosed no additions or betterments and it is concluded that the historical reproduction cost, previously estimated, is a fair statement of value for the purposes of this proceeding.

Applicant does not ask the Commission for any given return upon its investment. Testimony was offered to the effect that the rates prayed for would probably not result in any material return upon the investment, but would, it was thought, produce sufficient revenue to pay operating expenses. The question then before the Commission is to establish rates which will permit the company to pay operating expenses and properly maintain the railroad in order to render the public a safe and satisfactory service.

Interveners testified that the railroad was very necessary and that rates should be fixed which would make possible its continued operation but suggested that the commute book, similar to the one now in effect but containing less tickets per book, be retained.

The testimony also showed that the bulk of the travel on Sundays and holidays consisted of hiking parties and pleasure seekers who employed this incline railroad merely as a part of the day's outing.

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In view of the facts, as above set forth, and the entire record in this proceeding, it is concluded, and we find as a fact, that the present passenger fares of applicant are unreasonable and insufficient.

Applicant will be authorized to publish a new tariff establishing the following fares:

One way, honored daily, except Sundays and holidays	$0 06
One way, honored only on Sundays and holidays	10
Family 50-ride commutation ticket	1 80

The commutation ticket to be in card punch form and will be honored for use of purchaser and family.

Holidays within the meaning of this schedule will be: The first day of January, the thirtieth day of May, the Fourth of July, Labor Day, the ninth day of September, Thanksgiving Day and the Twenty-fifth of December.

When a holiday falls on Sunday the following Monday is observed.

Children under five years of age free when accompanied by adult passenger.

The testimony indicates that certain necessary maintenance has been deferred and that major repairs are necessary. It is believed the above rates will result in some return but regardless of the amount of this return, public safety requires that the operation of this railroad be safeguarded in every possible manner and that it be maintained at all times in first-class condition.

ORDER.

Public hearings having been held in the above entitled proceeding, the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact that the rates charged by the Fairfax Incline Railroad Company are unreasonable and insufficient. Basing its order upon the foregoing finding of fact and other findings of fact contained in the opinion which precedes this order;

It is hereby ordered, that the Fairfax Incline Railroad be authorized to publish and file, within twenty days from the date of this order, in conformity with section 14 of the Public Utilities Act, a tariff containing the fares and rules as described in the opinion which precedes this order.

For all other purposes the effective date of this order shall be twenty days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-second day of November, 1926.

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DECISION NO. 17663.

JACOBS, MALCOLM AND BURTT

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

Case No. 2269.

Decided November 27, 1926.

RATES—STEAM RAILROAD—CITRUS FRUITS.—Complaint dismissed, rate complained of being found to be the applicable rate.

H. A. Bishop, for Complainant.
Berne Levy, for Defendant.

BY THE COMMISSION.

OPINION.

Complainants are Albert P. Jacobs and Joseph Moyse, copartners, dealing in fruits and vegetables under the fictitious name of Jacobs, Malcolm and Burtt. By complaint filed August 17, 1926, it is alleged that the rate of 47½ cents per 100 pounds assessed and collected on 81 carloads of citrus fruits moved from Rialto, East Highlands, Highlands, Casa Blanca, Arlington, Corona, Mentone, San Bernardino, Riverside, Highgrove and Redlands to San Francisco during the period from July 15, 1924, to May 15, 1926, inclusive, was inapplicable and unlawful to the extent it exceeded a rate of 46½ cents per 100 pounds.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

A public hearing was held October 19, 1926, before Examiner Geary at San Francisco and the proceeding having been duly submitted is now ready for an opinion and order.

Redlands, Mentone, Highlands and East Highlands are located on a branch line of the defendant known as the Redlands Loop. Arlington, Casa Blanca, Corona, Highgrove and Riverside are located on the line running from San Bernardino to Los Angeles via Fullerton. Rialto and San Bernardino are located on the main line between Los Angeles and Barstow.

The complaint was not presented to the Commission informally, therefore the statute of limitation has run against the shipments moved prior to August 17, 1924, and they will not be considered. Charges on the shipments moved subsequent to August 17, 1924, were assessed on the basis of 47½ cents rate shown in Atchison, Topeka and Santa Fe Railway Tariffs 11992-D and 11992-E, C. R. C. Nos. 512 and 550. The former tariff was canceled August 10, 1925, but no change was made in the rate item which applied on citrus fruits, carloads, between various points on defendant's line in southern California, including those

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referred to above on the one hand, and San Francisco, Oakland, Stockton and points between on the other hand.

Complainant contends that the lawful rate was 46½ cents, made by using the Los Angeles to Burnham Class C rate of 38½ cents, plus a commodity rate of 8 cents beyond. The former rate is shown on page 12 of Atchison, Topeka and Santa Fe Railway Tariff 9885-E, C. R. C. 504, and applies between Los Angeles (only), Nadeau (only), Wingfoot (only) and Burnham.

On October 10, 1925, the stations of Nadeau and Wingfoot were eliminated from the tariff for the reason that defendant amended its Terminal Tariff by including these points within the Los Angeles yard limits. Redondo Beach, Wilmington and Torrance were added at the same time. Rates from these points were inapplicable from intermediate points.

Page 12 carries a footnote stating that "rates apply between points named only. Issued under authority of the Railroad Commission of the State of California No. 24 (a)-171 of December 8, 1916."

The 8-cent commodity rate applying from Burnham to San Francisco was published in Atchison, Topeka and Santa Fe Railway Tariff C. R. C. 512 and 550.

Witness for complainant introduced exhibits consisting of photostatic copies of pages 11 and 12 of Santa Fe Tariff C. R. C. 504 and testified that under the provisions of note 1, page 11, the Los Angeles to Burnham rate was applicable from intermediate points. Note 1 reads as follows:

> Rates shown on pages 12, 13, 14, 15, 16 and 17 apply from or to points named only, except to or from directly intermediate stations located between Burnham, Cal., and Bakersfield, Cal., inclusive, and which have no specific rates, the rate to apply will be the rate from or to the *next more distant point on the same line* from or to which a specific rate is published.

Witness for defendant introduced an exhibit similar to complainant's Exhibit No. 1, which is a reproduction of page 11, Santa Fe Tariff C. R. C. 504, and testified that the intermediate application referred to in note 1 applied at unnamed points located directly between Bakersfield and Burnham only. He also testified that the points located on the Redlands Loop were not intermediate between Los Angeles and San Francisco from either an operating or tariff standpoint.

Defendant shows beyond question that the intermediate application was not intended to operate in the manner contended for by complainant.

Note 1, shown on page 12 of the tariff in question, is not ambiguous, as it provides that rates shown apply from and to the points named only, except between certain points and which points have no specific

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rates. Specific rates are published from each point of origin involved to Burnham in section 1, part 3, of the tariff, therefore the Class C rate of 38½ cents named from Los Angeles only to Burnham is not applicable from the points involved.

In case No. 362, C. R. C. 607, *Golden Gate Brick Company* vs. *Western Pacific Railway Company*, Commissioner Eshleman said:

> I am not at all in sympathy with the practice of carriers in putting tortured construction upon a tariff provision so that the same may yield them more revenue, and I certainly am no more in sympathy with the same practice when indulged in by shippers with a view to securing less rates. Tariffs should be clear and unambiguous, and when there is an ambiguity by reason of which a shipper has suffered, the carrier being responsible for the ambiguity should certainly be required to sustain the loss, but where, as here, the shipper shows no loss whatsoever and the construction sought is contrary to the plain intent of the tariff, I think such shipper should have no standing before this Commission.

Defendant was authorized by this Commission in Case No. 214-B, Decision No. 3437, dated June 19, 1916, to establish lower rates from Los Angeles to points in northern California than the applicable rates from intermediate points due to active water competition. The rate assessed was that specifically named in a tariff issued by defendant and was, therefore, applicable on complainant's shipments and we so find. An order will be entered dismissing the complaint.

ORDER.

This case being at issue upon complaint and answer on file, having been duly heard by the interested parties, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the complaint in this proceeding be and the same hereby is dismissed.

Dated at San Francisco, California, this twenty-seventh day of November, 1926.

DECISION NO. 17667.

IN THE MATTER OF THE APPLICATION OF MANTECA TELEPHONE COMPANY FOR AN ORDER AUTHORIZING THE INCREASE OF TELEPHONE RATES IN THE TERRITORY SERVED.

Application No. 12528.

Decided November 29, 1926.

RATES—TELEPHONE UTILITY—TO INCREASE.—Application granted.

Ernest Irwin, for Applicant.

BY THE COMMISSION.

54—44855

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OPINION.

In this proceeding, Manteca Telephone Company, a corporation, the applicant, asks the Railroad Commission for authority to increase its rates for telephone service.

Applicant is engaged in a public utility telephone business, serving the towns of Manteca and Lathrop, and contiguous territory, in San Joaquin County, California.

Public hearings in this application were held before Examiner Satterwhite in Manteca on April 26, 1926, and in San Francisco on October 25, 1926.

Applicant's testimony at the Manteca hearing purported to show that, due to a number of causes, the cost of rendering telephone service had increased disproportionately to the revenue derived since the present effective rates were fixed in the year 1919. A gradual growth in the number of stations over the past six years and the addition of approximately twenty square miles of territory with the annexation of the territory of Lathrop and vicinity in 1925, have caused available facilities which were adequate in 1919 to become inadequate and have necessitated replacements and additions of considerably greater value than existed in the plant of earlier construction.

Applicant did not present, at the Manteca hearing, an inventory and appraisal of its property but did put in evidence figures showing investment based on book value. Reference was also made in the application to an appraisal which was made in 1921 for other purposes than for use in this proceeding. Some doubt as to the accuracy of these figures was expressed by some of applicant's subscribers present at the Manteca hearing.

Mr. F. M. Casal, assistant engineer on the Commission's staff, made an examination of applicant's books of account with particular reference to the book value of its investment and its revenue and expenses, generally. According to his report it was not possible to establish a figure which would accurately show the value of applicant's telephone plant by reference to its books of account alone, due to the method of carrying the capital accounts which was employed by applicant a number of years ago, and applicant was requested to submit to this Commission a new inventory and appraisal of its property. A valuation based upon an inventory of applicant's property as of July 1, 1926, was then prepared by applicant and submitted in evidence at the San Francisco hearing. This inventory and appraisal was carefully checked by Mr. Casal and found to be sufficiently accurate for use in this proceeding.

The rate base, which is found to be reasonable for the purpose of this proceeding, is based upon the above mentioned valuation plus

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additions and betterments, as shown by applicant's books, from July 1, 1926, to September 30, 1926, and as estimated from September 30, 1926, to February 28, 1927, and is as follows:

Rate Base, September 1, 1926, to August 31, 1927.

Valuation of property less materials and supplies as of July 1, 1926	$67,641 15
Net additions and betterments, July 1, 1926, to September 30, 1926	6,621 90
Estimated additions and betterments, September 30, 1926, to February 28, 1927	1,300 00
Materials and supplies and working capital	2,500 00
Total	$78,063 05

Since the time of the hearing held at Manteca, applicant has installed and put in operation a new switchboard of the universal type. Applicant states its intention to cut over all individual, two-party and four-party lines to common battery service as rapidly as possible and the record shows that the estimated completion date of this work is December 1, 1926. Common battery operation of lines in Manteca will result in a much improved service to subscribers receiving the individual, two-party and four-party grades of service and in better supervision on the suburban lines. While it is not the intention of applicant to convert the present magneto suburban service to common battery, it appears that applicant should consider means whereby suburban service may be improved by employing available multi-frequency ringing power in connection with the ringing of subscribers' stations on these lines.

Installation of common battery equipment will result not only in an added investment but in somewhat increased maintenance expenses inasmuch as employees capable of making adjustments and repairs to the more complicated equipment must be used and the outside plant must be kept in better condition. Expenses for a one-year period from September 1, 1926, to August 31, 1927, as estimated by the Commission's engineer and which appear to be reasonable are as follows:

Maintenance, not including depreciation	$3,021 00
Traffic	4,590 00
Commercial and general	4,650 00
Taxes	965 00
Uncollectibles	131 00
Depreciation	3,250 00
Total	$16,607 00

Applicant's net income available for return, found by applying present rates to the estimated average number of subscribers' stations for the period September 1, 1926, to August 31, 1927, amounts to $1,329. Applicant has sought authorization for rates for exchange service which are in most cases 50 cents per month higher than those now in effect, but has requested permission to make a discount of 25

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cents on each monthly bill for individual, party-line or suburban service so that the monthly increase in rates to those subscribers who make prompt settlement will, for the most part, amount to but 25 cents for each primary telephone station. Substitution of applicant's proposed rates for present rates in estimating the revenue for the one-year period used above shows that the annual revenue of applicant will be increased by approximately $2,000.

In this proceeding applicant further requests permission to refile its map showing its primary rate area. Applicant's primary rate area, or area in which base rates for individual, two-party and four-party rates, without mileage, apply, as at present on file with the Commission, consists of a square, the sides of which are 500 feet outside of the boundaries of the two-mile square formed by sections 32 and 33 in T. 1 S., R. 7 E., and sections 4 and 5 in T. 2 S., R. 7 E., M. D. B. and M. Applicant proposes to revise the primary rate area to a square, the sides of which are 500 feet inside the sides of the two-mile square referred to above. The manager of applicant company testified that this change would affect the charges for but one subscriber's service which would be increased 25 cents per month. No one at the hearing objected to the proposed change in primary rate area and it appearing that the present area is greater in extent than is generally established for exchanges of similar size and character, we find no good reason why the request should not be granted and it will be so ordered.

While it may be considered that applicant's plant is overbuilt to some extent and that, for this reason, applicant should not be allowed a full return on its investment, as shown in the rate base above, and this fact has been given due consideration, it is apparent that, under present rates, a reasonable return on its capital invested in used and useful property may not be earned. It appears, therefore, applicant is entitled to an increase in rates. No increase shall be made effective, however, until all individual, two-party and four-party subscribers have been served by means of common battery equipment and the order following will so provide.

ORDER.

Manteca Telephone Company, applicant in this proceeding, having asked the Railroad Commission to issue its order authorizing applicant to increase certain of its rates for telephone service, and to revise its primary rate area, public hearings having been held, the matter having been submitted and now being ready for decision:

The Railroad Commission of the State of California hereby finds as a fact that the rates now charged by applicant are unjust and unreasonable and that the rates and primary rate area herein established are not

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unjust and unreasonable for the service contemplated and as set forth in the opinion preceding this order.

Basing its order on the foregoing findings of fact and on such other findings of fact as may be contained in the opinion preceding this order;

It is hereby ordered, that Manteca Telephone Company be and it is hereby authorized to:

(1) File with the Railroad Commission, effective as of January 1, 1927, the rates set forth in Exhibit "A" attached hereto.

(2) File with the Railroad Commission, effective as of January 1, 1927, a map showing the boundary of the primary rate area of the Manteca exchange, as set forth in Exhibit "B" attached hereto, and

(3) File with the Railroad Commission, effective as of January 1, 1927, definitions, rules and regulations governing telephone service similar to those definitions, rules and regulations contained in this Commission's Decision No. 13478, with modifications as may be approved by this Commission.

This authority is granted upon the following conditions and not otherwise:

(1) A satisfactory showing that all individual, two-party and four-party subscribers' stations served from Manteca exchange have been cut over to common battery operation shall be made by Manteca Telephone Company to the Railroad Commission on or before December 20, 1926.

(2) The rates, map and definitions, rules and regulations referred to above, shall be submitted to the Railroad Commission for filing on or before December 31, 1926.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this twenty-ninth day of November, 1926.

EXHIBIT "A."

RATES.

Exchange Service—Schedule No. A-1.

General Service—Manteca.

Service.

Applicable to business and residence, individual, two-party and four-party line, flat rate service furnished within the primary rate area of the Manteca exchange.

Rate.

	Rate per month		
	Wall set	Desk set	Hand set
(1) Business flat rate service—			
Each individual line station	$3 25	$3 50	$3 75
Each two-party line station	2 75	3 00	3 25
Each four-party line station	2 50	2 75	3 00
Each extension station	75*	1 00*	1 25*
(2) Residence flat rate service—			
Each individual line station	2 75	3 00	3 25
Each two-party line station	2 25	2 50	2 75
Each four-party line station	2 00	2 25	2 50
Each extension station	75*	1 00*	1 25*

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Conditions.

(1) A discount of twenty-five cents will be allowed on each of the above rates except those for extension station service, and which are marked with an (*), if payment is received by the company on or before the tenth day of the current month.

(2) Individual and party line services will be provided outside the primary rate area and within the exchange area at the above rates plus mileage.

(3) Extension stations, at the above rates, will be installed on the same premises as the primary station.

Exchange Service—Schedule No. A-4.

Mileage Rates.

Mileage rates applicable throughout the suburban area.

Rate.	Rate per each one-quarter mile or fraction thereof per month
Each individual line primary station	$0 50
Each two-party line primary station	35
Each four-party line primary station	25

The above rates are based on air line distance measured between the subscriber's primary station and the nearest point on the boundary of the primary rate area. The above mileage rates are applicable to a service located outside the primary rate area but within the exchange area and are in addition to the base rate for similar service furnished within the primary rate area.

Exchange Service—Schedule No. A-5.

Suburban Service.

Applicable to suburban party line flat rate service furnished in the suburban area of the Manteca exchange.

Rate.	Rate per month per station Wall set	Desk set
Business service	$2 25	$2 50
Residence service	2 00	2 25

Conditions.

(1) A discount of twenty-five cents will be allowed on each of the above rates if payment is received by the Company on or before the tenth day of the current month.

(2) Suburban service is furnished outside the primary rate area but within the exchange area. In no case will the total number of stations connected to one circuit exceed ten (10) stations.

Exchange Service—Schedule No. A-6.

Joint User Service.

Service.

Applicable to joint user service furnished within the Manteca exchange area.

Rate.

Each joint user service in connection with flat rate business service, per month	$1 00

Conditions.

(1) The applicability of joint user service is determined by the obvious or actual use made of the service.

(2) The rate for joint user service includes a listing in the telephone directory and applies in addition to the rates and charges for the facilities and all other service provided. Joint user service is furnished upon application of the subscriber as follows:

(a) Applications for the use of the subscriber's service by any individual, firm, company or association occupying jointly or in part the premises in which the primary station is located. The subscriber's facilities or service are not to be extended outside the premises to provide joint user service.

(b) Applications for the use of the subscriber's service for another business conducted by the subscriber and differing in character and subject to a different classification from that for which the facilities are provided.

(3) In the case of individuals, firms, companies and associations engaged in the same business or profession, utilizing a common reception room with offices opening thereon or adjoining thereto, one of the number may become the subscriber and the remainder joint users. If the individuals or members of a firm, company or association file a joint income tax return, that will be accepted as sufficient evidence of a single business and joint user service is not applicable. Whenever any individual member of a firm, company or association does not substantially participate in the earnings of his fellow members of such firm, company or association, then that fact shall be conclusive evidence that he is a joint user and the joint user rate is applicable.

(4) The minimum charge for joint user service shall be the monthly rate, provided that if the service is listed in the telephone directory it shall be paid for until the end of the directory period unless the subscriber's service is discontinued or the joint user becomes a subscriber to business service in the Manteca exchange.

Exchange Service—Schedule No. A-13.

Public Pay Station Service.

Service.

Applicable to service from company's nonlisted public telephone stations.

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Rate.

Each exchange message $0 05

Exchange Service—Schedule No. A-14.

Directory Listings.

Applicable to listings in telephone directory of Manteca Telephone Company.

Listings in the alphabetical section of the telephone directory are intended solely for the purpose of identifying subscribers' telephone numbers as an aid to the use of telephone service. Telephone directories are furnished subscribers to facilitate the use of the service, and remain the property of the telephone company and may be collected upon issuance of new directories. Subscribers are entitled, without charge, to listings in the alphabetical section of the directory as follows:

Individual line service	1 listing
Joint user service	1 listing
Party line service, each primary station	1 listing

Rate.

	Rate per month
Additional listings in telephone directory—	
Member of same firm or business, each listing	$0 25
Any individual residing at a residence, listed at the residence, each listing	25
Any information in addition to a listing, each line	25

Conditions.

(1) Business listings consist of a name, the address of the premises on which the primary station, switchboard or receiving station is located, and the telephone number. A designation descriptive of the business will be included if the name does not indicate the nature of the business.

(2) Business listings may be those of individuals engaged in a business, names of firms or members thereof, the names of corporations or the officers thereof, and the names of employees. A trade name made up by adding a term, such as company, agency, shop, work, etc., to the name of a commodity will not be accepted as a listing unless the subscriber is authorized to do business under that name. Listings are not accepted which appear to be designed primarily to give publicity to a commodity or service.

(3) All additional listings in conection with a subscriber's service must bear the same address and telephone number as the primary listing.

(4) Residence listings consist of a name, an abbreviation indicating "residence," the address of the premises to which service is furnished, and the telephone number.

(5) Residence listings may be those of the subscriber or members of the subscriber's domestic establishment residing on the premises on which the subscriber's service is provided.

EXHIBIT "B."

PRIMARY RATE AREA BOUNDARY.

The primary rate area boundary is described as follows:

Beginning at a point five hundred feet south of the center line of Louise avenue and five hundred feet west of the center line of Cottage avenue, thence in a southerly direction parallel to and five hundred feet west of the center line of Cottage avenue to the point of intersection with a line parallel to and five hundred feet north of the southern boundary of Sec. 4, T. 25, R. 7 E., M. D. B. and M; thence in a westerly direction parallel to and five hundred feet north of the southern boundaries of Secs. 4 and 5 to the point of intersection with a line parallel to and five hundred feet east of the western boundary of Sec. 5; thence in a northerly direction parallel to and five hundred feet east of the western boundaries of Sec. 5, T. 25, R. 7 E., and Sec. 32, T. 1 S., R. 7 E., to the point of intersection with a line parallel to and five hundred feet south of the center line of Louise avenue; thence in an easterly direction parallel to and five hundred feet south of the center line of Louise avenue to the point of beginning.

DECISION No. 17670.

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF ORANGE FOR AN ORDER AUTHORIZING A SUBWAY CROSSING UNDER THE PACIFIC ELECTRIC RAILWAY COMPANY'S TRACKS AT ORCHARD AVENUE NEAR STERN STATION, IN THE COUNTY OF ORANGE.

Application No. 13120.

Decided November 29, 1926.

GRADE CROSSING—SEPARATION OF GRADES—COST APPORTIONED.—Construction of a subway under the tracks of Pacific Electric Railway approximately 600 feet

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easterly of Stern Station, Orange County, authorized. Cost of same apportioned, 50 per cent to each principal, except paving and highway approaches and laterals, which shall be paid for by the county.

Alex P. Nelson, District Attorney, for Applicant.
C. W. Cornell, for Pacific Electric Railway Company.
Mrs. K. L. Barclow, in propria persona.

WHITSELL, *Commissioner.*

OPINION.

In the above entitled application the county of Orange asks for an order authorizing the construction of a subway under the La Habra Line of the Pacific Electric Railway Company near Stern station and for an order apportioning the expense of constructing said subway between the interested parties. A public hearing was held on this matter at Santa Ana on October 15, 1925.

The railroad under which it is sought to construct the proposed subway is the so-called La Habra Line of the Pacific Electric, the present terminus of which is approximately one-quarter mile easterly of the proposed crossing. This railroad was built about 1911, with the idea of being extended easterly through the Santa Ana Canyon to Riverside. It appears that the company at this time has no definite plans regarding such an extension. At the time the line was built it crossed an arroyo just east of Stern Station by means of an earth fill, but near the westerly side of the arroyo there was driven a three-paneled pile trestle through one bent of which a roadway was provided. This roadway connects with the county road system but it appears that the approaches for a short distance on each side of the railroad are in such an unsatisfactory condition as to alignment, grades and surface that public travel thereover is relatively slight. The existing undergrade crossing is maintained by the railroad but the roadway itself is maintained by the county. The county now desires to improve the road in this vicinity by relocating it to the easterly side of the arroyo and carrying it under the railroad in a subway of permanent type of construction in such a manner that both alignment and grades of the relocated roadway will make it a satisfactory route for both through and local traffic.

The railroad does not concede that public convenience and necessity justify the relocation of this road or the construction of the new subway and opposes being assessed with any portion of the expense. Applicant introduced considerable testimony to show that a road was necessary in this vicinity to give a convenient and direct outlet to a substantial territory north of the railroad and in the vicinity of Yorba Linda and easterly thereof to the Placentia-Yorba boulevard, which in turn connects with the main highway leading easterly through the

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Santa Ana Canyon to Riverside County. It also appears that this road would form a part of an alternate through route somewhat shorter than existing routes between Riverside and Los Angeles.

Considerable evidence was also introduced relating to the hazardous condition of the existing crossing under the railroad and the approaches thereto. It appears that the width of opening of the existing crossing does not comply with the provisions of General Order No. 26-a of this Commission, it being less than 15 feet, whereas said general order prescribes a minimum width of opening for such undergrade crossings of not less than 20 feet. It also appears that on the northerly side of the crossing the road makes a right-angle turn to the east which adds to the hazard of traffic meeting on this narrow roadway at the crossing.

Applicant proposes to construct a new subway structure consisting of a concrete arch having a horizontal width of 24 feet and a total clear height at the center of 19½ feet, in such a location that practically straight line approaches can be constructed with easy grades, thereby making the crossing not only permanent but adequate and safe for highway traffic. The cost of the subway itself under this plan is estimated by the applicant at $17,000, a sum which, it is stated, includes the filling of the old trestle. This sum does not include the cost of constructing any of the approaches to the new crossing. Pacific Electric Railway has estimated the same work to cost in excess of $21,000.

Applicant contends that the railroad should pay one-half of the cost of the structure but expressed itself as not expecting the railroad to pay any portion of the cost of constructing the approaches to the new crossing or paving the roadway. The railroad contends that it should not bear any portion of the cost of constructing the new crossing, inasmuch as it has already provided and now maintains a grade separation to take care of this traffic.

The railroad further points out that if it becomes necessary for the existing crossing to be widened to provide legal clearances, such alterations can be made at a cost of approximately $1,000 and should it be necessary to replace the entire structure, on account of deterioration of its wooden members, such replacement, including the cost of providing standard clearance, could be accomplished for approximately $1,800. Engineer for the county estimated the replacement of the existing crossing at $7,300 and estimated that a further sum of $2,500 would be required to improve the immediate approaches to the crossing in such a manner that it could be considered reasonably safe and adequate for highway traffic. The record further shows that a timber structure of standard clearance could be built at the location desired by the county at a cost of $1,800 in addition to the cost of the necessary excavation, no estimate of which was made.

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Evidence was introduced to the effect that traffic on the railroad at this point was light and intermittent, the only use now made of the railroad being to give access to a quarry located on the east side of the arroyo in which the highway here under discussion is situated. However, since no proposal is made to cross the railroad at grade, the volume of the railroad traffic does not appear to be an important factor in this proceeding. It is, of course, apparent that if the railroad were not located across this arroyo, this crossing problem would not exist. The railroad does not indicate that it has any intention of abandoning its line at this point and the first question here presented for determination is whether the existing crossing is adequate and satisfactory for the public necessities in this vicinity or whether the plan proposed by the applicant should be approved or whether some other relief should be afforded. The evidence appears conclusive that the existing crossing is unsafe and inadequate to meet the public convenience and necessity for a highway in this vicinity.

It is proper to inquire into the most economical means of correcting the present situation, so that an adequate crossing may be afforded. The railroad expresses an opinion that the cost of maintaining a temporary structure at this point is not sufficient to justify the relatively large investment necessary to provide a permanent concrete structure. Applicant takes the position that there is nothing in its requirements to necessitate a permanent structure if a temporary structure is satisfactory to the railroad, but applicant does insist that the only satisfactory location for a grade separation is at approximately the location proposed in its application. Neither is applicant interested in the closing or abandoning of the existing crossing but it has expressed its willingness to construct the necessary lateral road to serve such local residents as might otherwise need the existing crossing if the railroad desires to fill in the old crossing. The railroad states that it will not oppose the construction of a timber crossing at the location desired by the county, providing the cost of constructing such crossing is borne entirely by applicant, both as to construction and maintenance, and the railroad further agrees to accept the maintenance of the new structure if the county will bear the cost of filling and thus abandoning the old structure.

From the record, it appears that public convenience and necessity justify the construction of an undergrade crossing of timber construction at the location proposed by applicant. When such new crossing is built, it appears that public convenience and necessity will no longer require the maintenance of the existing crossing. It also appears reasonable to conclude from the evidence that the proposals of the railroad to provide standard clearances at the existing crossing

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at an expense of $1,000 does not fully measure the railroad's obligation in providing a safe crossing in this vicinity and that some part of the cost of so constructing the crossing that the approaches will be safe, is also an obligation of the railroad.

Based upon the entire record in this proceeding, it appears that a crossing of wooden construction should be provided under the tracks of the railroad on the easterly side of the arroyo and that the existing grade separation should be abandoned and filled in. It also appears that the county and the railroad have a joint obligation in providing a reasonably safe and adequate means of permitting the public to pass under the railroad at this point and that the cost, therefore, of this entire work should be divided equally between the two parties, except that the cost of providing any necessary roadways, either by way of approaches to the new crossing itself or by the construction of lateral roads to serve persons who will be deprived of the use of the existing crossing, should be borne exclusively by the county.

It may be that in working out the detail plans of the structure now proposed, that the county and the railroad may desire to agree upon the division of work rather than upon dividing actual cost of the total work. In the event that the parties so desire to enter into some such agreement, it may be proper for the Commission to grant such a request by supplemental order.

The following form of order is recommended:

ORDER.

The county of Orange, State of California, having made application to this Commission for an order authorizing the construction of a public road crossing under the tracks of the La Habra line of Pacific Electric Railway Company, approximately 600 feet easterly of Stern station, and apportioning the cost thereof, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision:

It is hereby found as a fact that public convenience and necessity require the construction of separated grades at the point above indicated; therefore

It is hereby ordered, that the county of Orange and Pacific Electric Railway Company be and they are hereby authorized to construct an undergrade crossing under the tracks of the La Habra line of the Pacific Electric Railway Company approximately 600 feet easterly of Stern station, in accordance with detail plans which hereafter shall be submitted to and approved by the Commission. Said crossing shall be designated as Crossing No. 6C-31.7-B, and shall be constructed subject to the following conditions, namely:

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(1) Said undergrade crossing shall be of timber construction, substantially in accordance with plans hereafter to be submitted to and approved by the Commission.

(2) Said undergrade crossing shall be constructed with clearances conforming to the provisions of General Order No. 26-a.

(3) The cost of constructing said undergrade crossing, including the removal of the necessary portion of the existing railway embankment but excepting the paving of the roadway and the construction of highway approaches and laterals, shall be borne substantially 50 per cent by the applicant and 50 per cent by the Pacific Electric Railway Company.

(4) The cost of filling and abandoning the existing crossing, located approximately 300 feet west of the proposed crossing, shall be borne substantially 50 per cent by the applicant and 50 per cent by the Pacific Electric Railway Company.

(5) The cost of constructing and maintaining all roadway approaches to the undergrade crossing herein authorized shall be borne exclusively by applicant. The cost of paving and maintaining all roadway approaches, including the roadway across the right of way of Pacific Electric Railway Company and under the undergrade crossing herein authorized, shall be borne exclusively by applicant.

(6) The cost of maintaining the timber undergrade crossing herein authorized shall be borne exclusively by the Pacific Electric Railway Company.

(7) Applicant shall, within one hundred twenty days of the date hereof, file with this Commission a certified copy of the agreement between the interested parties relative to the construction of said undergrade crossing and relative to the division of cost of construction and maintenance thereof. Said agreement shall be subject to the approval of this Commission.

(8) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said undergrade crossing.

(9) If said undergrade crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(10) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said undergrade crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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The authority herein granted shall become effective twenty days after the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this twenty-ninth day of November, 1926.

DECISION No. 17675.

CALIFORNIA PACKING CORPORATION

vs.

SOUTHERN PACIFIC COMPANY AND WESTERN PACIFIC RAILROAD COMPANY.

Case No. 2281.

Decided November 29, 1926.

RATES—STEAM RAILROAD—BOX SHOOK—REPARATION AWARDED.—Defendant carriers ordered to refund $24.87 as reparation on account of excessive and unreasonable rates collected for the transportation of 10 carloads of box shook, moved from Loyalton and Calpine to Suisun-Fairfield, during the period from December 4, 1924, to October 15, 1925.

BY THE COMMISSION.

OPINION.

Complainant, a corporation organized under the laws of the state of New York, with its principal place of business at San Francisco, is engaged in the packing of dried fruits and canned goods.

By complaint filed September 24, 1926, it is alleged that the rate assessed and collected on 10 carloads of box shook, moved from Loyalton and Calpine to Suisun-Fairfield, California, during the period from December 4, 1924, to October 15, 1925, was unreasonable, prejudicial and discriminatory to the extent it exceeded a rate of 22 cents per 100 pounds.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Loyalton and Calpine are located on the Western Pacific Railroad and Suisun-Fairfield is located on Southern Pacific Company and Sacramento Northern Railroad, called Suisun on Sacramento Northern Railroad. The shipments involved were routed Western Pacific to Sacramento, Southern Pacific beyond, and a combination rate of 22½ cents, composed of 14 cents to Sacramento and 8½ cents beyond, was charged. These rates are shown in Western Pacific Railroad Tariff 36-F, C. R. C. 257, and Southern Pacific Tariff 634-C, C. R. C. 2848.

Concurrently there was a joint rate of 22 cents from Loyalton and Calpine to Suisun with routing via Western Pacific Railroad to

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Sacramento, Southern Pacific Company to Suisun-Fairfield, Sacramento Northern Railroad beyond. This rate was not applicable on complainant's shipments because of failure to route via Sacramento Northern Railroad and give that railroad a haul. Effective May 29, 1926, defendants established a rate of the same volume applicable via route the shipments moved. Complainant bases its plea for reparation upon the rate in effect to Suisun, which was subsequently established to Suisun-Fairfield.

Defendants deny that the rate assessed was unjust or unreasonable or in violation of section 24 (*a*) of the Public Utilities Act, but they admit the rate and charges were unduly prejudicial and discriminatory and have signified a willingness to make reparation, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find the assailed rate was unduly prejudicial and unreasonable to the extent it exceeded the contemporaneous rate applicable by the Western Pacific Railroad Company, Southern Pacific Company and Sacramento Northern Railroad Company, which rate was subsequently established from and to the points involved; that complainant made the shipments as described, paid and bore the charges thereon and is entitled to reparation in the sum of $24.87.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that defendants, Southern Pacific Company and Western Pacific Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to refund to complainant, California Packing Corporation of San Francisco, California, reparation in the sum of $24.87 account of excessive and unreasonable charges assessed and collected for the transportation of 10 carloads of box shook, involved in this proceeding, forwarded during the period from December 4, 1924, to October 15, 1925, from Loyalton and Calpine to Suisun-Fairfield.

Dated at San Francisco, California, this twenty-ninth day of November, 1926.

DECISION NO. 17676.

ASSOCIATED OIL COMPANY

vs.

SOUTHERN PACIFIC COMPANY.

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Case No. 2287.

Decided November 29, 1926.

RATES—STEAM RAILROAD—STRUCTURAL STEEL—REPARATION AWARDED.—Defendant carriers ordered to refund to complainant all charges collected in excess of 25 cents per 100 pounds for the transportation of 62 carloads of structural steel, moved from Los Angeles to Avon and Mococo, during the period from November 6, 1923, to February 24, 1924.

BY THE COMMISSION.

OPINION.

Complainant, a corporation, organized under the laws of the State of California, with its principal place of business at San Francisco, California, is engaged in producing, refining and marketing petroleum and petroleum products.

By complaint filed October 26, 1925, it is alleged that the rates charged on 62 carloads of structural steel moved from Los Angeles to Avon and Mococo during the period from November 6, 1923, to February 24, 1924, were prejudicial to Avon and Mococo and preferential to other points located on San Francisco Bay, to the extent they exceeded a rate of 25 cents per 100 pounds. The statute of limitation was tolled by registering the claim under informal complaint No. 34016, November 4, 1925.

Reparation only is sought. Rates will be stated in cents per 100 pounds.

Destination points involved are located on San Francisco Bay. Avon is 38 miles from San Francisco and 3.2 miles from Bay Point. Mococo is 36 miles from San Francisco and 1.3 miles from Martinez. Under specific application of rates shown in Southern Pacific Tariff 230-I, C. R. C. 2826, rates to or from Bay Point were applicable on carload shipments consigned to Associated Oil Company, Avon. On December 25, 1923, defendant extended the switching limits of Martinez so as to include Mococo.

A commodity rate of 26½ cents was charged on 24 carloads shipped to Avon, also on 4 carloads shipped to Mococo subsequent to December 25, 1923. A combination rate of 32 cents, composed of 25 cents to San Francisco and 7 cents beyond, was charged on 34 carloads shipped to Mococo prior to December 25, 1923.

Effective at time the shipments involved moved, there was a rate of 26½ cents applicable on structural steel from Los Angeles to Bay Point and Martinez and a rate of 25 cents to San Francisco, Oakland, Richmond and Oleum. The rates were nonintermediate in application.

On July 15, 1924, defendant voluntarily established a rate of 25 cents on structural steel, carload, from and to the points involved in this proceeding. Complainant bases its plea for reparation upon the lower rate subsequently established.

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Defendant admits the allegation of the complaint and has signified a willingness to make reparation adjustment, therefore under the issues as they now stand a formal hearing will not be necessary.

Upon consideration of all the facts of record, we are of the opinion and find that the assailed rates were unreasonable to the extent they exceeded the subsequently established rate of 25 cents; that complainant made the shipments as described, paid and bore the charges thereon, and is entitled to reparation.

Complainant will submit statement to defendant for check. Should it not be possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention and the entry of a supplemental order, should such be necessary.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is ordered, that defendant Southern Pacific Company is hereby authorized and directed to refund to complainant Associated Oil Company of San Francisco, California, all charges which may have been collected in excess of 25 cents per 100 pounds for the transportation of 62 carloads of structural steel involved in this proceeding, forwarded during the period from November 6, 1923, to February 24, 1924, from Los Angeles to Avon and Mococo.

Dated at San Francisco, California, this twenty-ninth day of November, 1926.

DECISION NO. 17688.

IN THE MATTER OF THE APPLICATION OF SAN JOAQUIN LIGHT AND POWER CORPORATION FOR AUTHORITY TO ISSUE AND TO SELL CERTAIN STOCKS AND BONDS.

Application No. 13275.

Decided November 30, 1926.

SECURITIES—STOCKS AND BONDS—TO ISSUE.—Permission granted applicant to issue $25,000,000 of Series "D," unifying and refunding mortgage 5 per cent 30-year bonds, and $3,000,000 of 6 per cent prior preferred stock. Application to issue $4,000,000 of common stock denied without prejudice.

Murray Bourne, for Applicant.

BY THE COMMISSION.

OPINION.

In this application San Joaquin Light and Power Corporation asks permission to issue and sell $3,000,000 of its Series "A" prior preferred 6 per cent stock, $4,000,000 of its common stock and $25,000,000

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of its unifying and refunding mortgage 5 per cent 30-year bonds for the purpose of retiring outstanding bonded indebtedness, of reimbursing its treasury and of financing the cost of the acquisition and construction of extensions, additions and betterments to its plants and properties.

Applicant reports its authorized and outstanding stock as of September 30, 1926, as follows:

Class of Stock	*Authorized*	*Outstanding*
Prior preferred 7 per cent	$25,000,000 00	$11,582,200 00
Prior preferred Series "A" 6 per cent	50,000,000 00	924,700 00
Preferred Series "A" 7 per cent	18,500,000 00	6,441,200 00
Preferred Series "B" 6 per cent	6,500,000 00	58,800 00
Common	50,000,000 00	11,000,000 00
Totals	$150,000,000 00	$30,006,900 00

As of the same date, the outstanding bonded indebtedness is reported as follows:

Unifying and refunding mortgage bonds:		
Series "A" 7s due March 1, 1951	$7,000,000 00	
Series "B" 6s due March 1, 1952	9,633,000 00	
Series "C" 6s due May 1, 1954	1,500,000 00	
Subtotal		$18,133,000 00
First and refunding mortgage bonds:		
Series "A" 6s due August 1, 1950	$1,109,000 00	
Series "B" 5s due August 1, 1950	799,000 00	
Series "B" 6s due August 1, 1950	2,125,000 00	
Series "C" 6s due August 1, 1950	10,192,000 00	
Subtotal		14,225,000 00
Underlying bonds:		
San Joaquin Light and Power Company 5s due June 1, 1945		2,210,000 00
Total		$34,568,000 00

In making the present application to issue additional stock and bonds, the company asks permission to sell $2,000,000 of a 6 per cent prior preferred stock to Western Power Corporation for $95 a share, with the right reserved to repurchase it at the same price and to resell it thereafter through its own organization at a price to net it not less than $93 a share; to sell $1,000,000 of 6 per cent prior preferred stock through its own organization for not less than $93 a share net; to sell the $4,000,000 of common stock to Western Power Corporation for $50 a share; and to sell the $25,000,000 of bonds for not less than 95 per cent of their face value plus accrued interest.

At the prices indicated, applicant, if the issue of the securities is authorized by the Commission, will receive the followng amounts:

From the sale of the $25,000,000 of bonds	$23,750,000 00
From the sale of $2,000,00 of prior preferred stock to Western Power Corporation	1,900,000 00
From the sale of $1,000,000 of prior preferred stock to the general public	930,000 00
From the sale of $4,000,000 of common stock to Western Power Corporation	2,000,000 00
Total	$28,580,000 00

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The company seeks to apply the proceeds to be received from the sale of the stock and bonds toward the following purposes:

To finance the cost of retiring $22,725,000 of bonds	$24,108,525 00
To reimburse its treasury on account of capital expenditures made prior to September 30, 1926	3,898,895 97
To finance the cost of construction expenditures authorized but to be made subsequent to September 30, 1926	1,978,113 00
To finance estimated construction expenditures for the year 1927	3,734,677 00
Total	$33,720,210 97

The bonds applicant proposes to call and redeem include all of the $14,225,000 of first and refunding mortgage bonds, the $7,000,000 of Series "A" unifying and refunding mortgage bonds and the $1,500,000 of Series "C" unifying and refunding mortgage bonds; a total of $22,725,000. The Series "B" unifying and refunding mortgage bonds are noncallable.

It appears that the Series "A" first and refunding bonds are callable at 102.5, the Series "B" and Series "C" first and refunding bonds and the Series "C" unifying and refunding bonds at 105, and the Series "A" unifying and refunding bonds at 107.5. In calling the entire $22,725,000 of bonds, a total premium of $1,283,525 must be paid and in addition it is estimated that about $100,000 must be expended in the refunding operation, making a total cost of $24,108,525 to redeem the $22,725,000 of bonds. Applicant, however, is asking permission to use the proceeds from the sale of only $22,725,000 of the new Series "D" 5 per cent bonds to retire the $22,725,000 of bonds now outstanding, the remaining amount to be obtained from the sale of stock. The company estimates that a net annual saving of about $204,000 should be effected through the transaction. This saving is predicated on the assumption that such money as the company may get from the sale of the common stock used to redeem bonds, costs the company nothing for the reason that no dividends are now being paid on common stock, neither was any consideration given to duplicate interest charges on bonds during the interval of time elapsing between the issue of the new bonds and redemption of the bonds now outstanding.

The record shows that the first and refunding bonds are to be called for payment on February 1, 1927, the Series "A" unifying and refunding bonds on March 1, 1927, and the Series "C" unifying and refunding bonds on May 1, 1927. It is estimated that at the time the bonds are paid there will remain a debit balance on applicant's books of about $1,212,458 representing unamortized debt discount and expense applicable to bonds redeemed. Instead of charging this entire amount, together with the premium of $1,283,525 to be paid, to profit and loss at one time upon the redemption of the bonds, applicant asks that it be permitted to amortize these balances over the life of the new Series "D" bonds to be issued. We believe that under the circumstances of this case the company should not be required to write off forthwith the

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unamortized discount, expense and premiums and that its request in this respect should be granted.

Coming to the request of applicant to use security proceeds to reimburse its treasury and to finance construction costs, it appears that applicant reports its uncapitalized construction expenditures up to September 30, 1926, at $3,898,895.97. This amount is determined as follows:

Uncapitalized balance as of September 30, 1925, as per Application No. 12029		$759,251 08
Additions and betterments—		
1925—October	$280,373 52	
November	344,276 54	
December	299,227 52	
1926—January	429,086 06	
February	475,584 15	
March	500,958 92	
April	585,813 68	
May	696,458 10	
June	528,356 69	
July	605,188 45	
August	611,269 89	
September	340,964 40	
		5,697,557 92
Total		$6,456,809 00
Less proceeds from sale of stock		2,557,913 03
Balance		$3,898,895 97

The company's monthly report as of September 30, 1926, shows unexpended balances on construction work authorized by applicant's management to be undertaken during 1926, in the amount of $1,978,113. In its Exhibit No. 6 applicant estimated that its construction program for 1927 will call for an expenditure of $3,734,677. It appears to us that some of the construction expenditures incurred prior to September 30, 1926, were financed in part temporarily by current liabilities and the investment of reserve moneys. To the extent that this has been done, moneys obtained from the sale of bonds and stock should be used to pay such liabilities and reimburse the reserves. From September 30, 1925, to September 30, 1926, applicant's surplus was increased by $531,388.71.

To comply with the Commission's order in Decision No. 13143, dated February 13, 1924, in Application No. 9692, the company filed a stipulation that it would not declare any dividend on its common stock until its accumulated surplus reported on November 30, 1923, at $3,107,203.14 had been increased to an amount of not less than $4,000,000 and that it will not pay dividends on its common stock in an amount which will thereafter reduce such surplus to a sum less than $4,000,000. The company was required to file the stipulation for the purpose of building up the equity behind its preferred stock. It is now urged that the investment of $2,000,000 in $4,000,000 of common stock of the company accomplishes the desired result to the extent of such investment. An

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analysis of the company's financial statements on file with the Commission shows that its equity behind its preferred stock is now less than it was in 1923 and that even were we to authorize the issue of $4,000,000 of common stock for a consideration of $2,000,000 the situation would not be improved to the extent which warrants the Commission to vacate the order in Decision No. 13143 or grant the company's request to cancel the stipulation referred to herein.

In regard to the company's request to issue common stock at $50 per share, it is urged that the proposed price is reasonable and that the investment of $2,000,000 in common stock of the company will be to its benefit. Applicant submitted no testimony showing what consideration, if any, the company received for the $11,000,000 of common stock outstanding. Our analysis of the company's reports shows that its investment in tangible properties is less than the amount of its outstanding bonds, prior preferred and preferred stock. It is of record that the market value of the company's common stock is now about $43 per share and that it will this year earn about 5½ per cent on its $11,000,000 of common stock outstanding. In our opinion, neither the market value of stock as of a particular date nor the earnings for one year can be taken as establishing the fair and reasonable value of stock. There is no doubt in our minds that the price which has been paid for applicant's common stock in an endeavor to secure control of applicant has had the effect of increasing the market value of such stock.

As stated above, the Western Power Corporation has agreed to pay $95 per share for 20,000 shares ($2,000,000) of applicant's prior preferred stock and has further agreed to give applicant the right to repurchase such stock in order that applicant might sell said stock to the general public at a net price of not less than $93 per share. It appears to us that the amount of money which the Western Power Corporation would receive from the resale of $2,000,000 of stock, is substantially the same which it has agreed to pay for the $4,000,000 of common stock of applicant. The purchase of the $4,000,000 of common stock would, however, give the Western Power Corporation a greater control over applicant. It occurs to us that some of the considerations that prompt this transaction are the temporary investment of Western Power Corporation funds in San Joaquin Light and Power Corporation stock and the securing by Western Power Corporation of a greater control over applicant with a minimum investment in the stock of that corporation. The facts before us do not justify us to authorize the issue of the $4,000,000 of common stock. Applicant's request to issue $4,000,000 of common stock will be denied without prejudice.

ORDER.

San Joaquin Light and Power Corporation, having applied to the Railroad Commission for permission to issue $3,000,000 of prior pre-

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ferred stock and $4,000,000 of common stock and $25,000,000 of bonds, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that the company's request to issue $4,000,000 of common stock should be denied without prejudice, and that the money, property or labor to be procured or paid for through the issue and sale of the prior preferred stock and the bonds is reasonably required by applicant for the purposes specified herein, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

It is hereby ordered, as follows:

1. San Joaquin Light and Power Corporation may issue and sell on or before June 30, 1927, at not less than 95 per cent of their face value and accrued interest, $25,000,000 of its Series "D" unifying and refunding mortgage 5 per cent 30-year bonds and use the proceeds from $22,725,000 of said bonds, other than accrued interest, to redeem in part the bonds referred to in the foregoing opinion.

2. San Joaquin Light and Power Corporation may issue and sell for cash on or before June 30, 1927, at not less than $95 per share, 30,000 shares ($3,000,000 par value) of its 6 per cent prior preferred stock and use, if necessary, of the proceeds received from the sale of such stock, an amount not exceeding two dollars per share of stock sold to pay commissions and expenses incident to the sale of such stock. The remainder of the proceeds, together with such portion of the two dollars per share not needed for said purposes, may be consolidated with the proceeds received or to be received from the sale of the stock heretofore authorized to be issued and sold pursuant to orders in Applications Nos. 5207, 10786, 11033 and 12029. Said consolidated proceeds other than accrued dividends may be used to redeem in part the bonds referred to in the foregoing opinion, to reimburse applicant's treasury and the reserves on account of earnings expended for the acquisition and construction of property prior to September 30, 1926, and to pay indebtedness incurred in acquiring and constructing said properties, and to pay in part the cost of acquiring and constructing the other properties referred to in said opinion.

3. San Joaquin Light and Power Corporation may use the proceeds obtained from the sale of $2,275,000 of the bonds herein authorized, other than accrued interest, to reimburse its treasury and reserves on account of earnings expended for the acquisition and construction of property prior to September 30, 1926, and to pay indebtedness incurred in acquiring and constructing said properties and to pay in part the cost of acquiring and constructing the other properties referred to in the foregoing opinion.

4. San Joaquin Light and Power Corporation may use the accrued interest and dividends collected for general corporate purposes.

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5. San Joaquin Light and Power Corporation may amortize the balance of the unamortized discount and expense on the bonds which it intends to redeem and the premium to be paid in calling and redeeming said bonds over the life of the Series "D" bonds herein authorized to be issued.

6. San Joaquin Light and Power Corporation shall keep such record of the issue, sale and delivery of the stock and bonds herein authorized and of the disposition of the proceeds as will enable it to file on or before the twenty-fifth day of each month a verified report, as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order.

7. The authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by section 57 of the Public Utilities Act, which fee is $2,192. The authority to issue prior preferred stock will become effective upon the date hereof.

8. San Joaquin Light and Power Corporation's request for permission to issue $4,000,000 of common stock and its request to cancel the stipulation filed in Application No. 9692 be and the same are hereby denied without prejudice.

Dated at San Francisco, California, this thirtieth day of November, 1926.

DECISION No. 17689.

SAN FRANCISCO MILLING COMPANY, LIMITED,

vs.

SOUTHERN PACIFIC COMPANY ET AL.

Case No. 2232.

Decided December 1, 1926.

RATES—STEAM RAILROAD—GRAIN—CEREAL PRODUCTS—MILLED IN TRANSIT.—Complaint alleging that failure of defendants to permit milling of grain in transit at complainant's mills in San Francisco, and reshipment of the flour and other cereal products through the docks of the State Harbor Commission, on the basis of through rates from point of origin to point of destination, dismissed. Rules assailed by complainant found to be not unjust, unreasonable or prejudicial to complainant.

C. R. Schulz and *Max B. Schulz*, for Complainant.
James E. Lyons and *A. L. Whittle*, for Defendant, Southern Pacific Company.
Platt Kent and *B. Levy*, for Atchison, Topeka and Santa Fe Railway Company.
R. P. McCarthy, for Globe Grain and Milling Company.
C. S. Connolly, for Albers Bros. Milling Company, Intervener.

BY THE COMMISSION.

OPINION.

Complainant is a corporation with its principal place of business at San Francisco and is engaged in the buying, selling and manufacturing of grain and its products. By complaint duly filed it is alleged that failure of defendants to permit at complainant's mills, San Francisco, the milling in transit on grain and the reshipment of the flour and other

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products of such grain on the basis of the through published rates on the finished commodities from points of origin of the grain to the wharves of the harbor commissioners at San Francisco for further movement by ocean-going steamers, subjects complainant to the payment of charges in excess of those published in the lawful tariffs, and also results in undue prejudice and disadvantage to complainant and preference and advantage to complainant's competitors located at Oakland, South Vallejo, Stockton, Sacramento and Marysville, in violation of sections 17 and 19 of the Public Utilities Act. We are asked to award reparation and to require defendants to cease and desist from the alleged violations.

Defendants aver they are applying the rates and the milling in transit rules and regulations in conformity with their tariffs and deny that such application is discriminatory to complainant or otherwise unlawful.

A public hearing having been held before Examiner Geary, at San Francisco, and the case having been duly submitted is now ready for our opinion and order.

The complainant, in the conduct of its business at San Francisco, operates two mills, one on the State Belt Railroad, the other on the Southern Pacific, and the gravamen of the complaint is as to the shipments moved via the Southern Pacific. The complainant made no shipments via the Santa Fe and the subject will be considered under the provisions of the tariffs of the Southern Pacific, they being representative of the three defendants.

Complainant moves grain from various points in California to San Francisco, where it is milled and the finished products reshipped via boat to San Pedro and other southern California points. There are no joint commodity rates on grain or its products from inland rail points to Southern California in connection with boat lines via San Francisco and the charges base on the locals plus switching charges of the Southern Pacific and State Belt Railroad to the wharves. The rates of the boat lines applying from San Francisco are not here in issue.

It is the San Francisco switching charges which complainant contends should be absorbed by defendants. In reaching this conclusion the various tariff items are relied upon, the principal being paragraph A, section 2, paragraph A, section 3, and paragraph B, section 4, as shown on pages 35 and 36 of Southern Pacific Terminal Tariff No. 230-I, C. R. C. 2826, providing as follows:

Paragraph A, section 2—

> Except as otherwise provided in paragraphs B and C of this section, shipments may be stopped once and at one point only, between origin and final destination, for any one or more of the following transit operations, * * *.

Paragraph A, section 3—

> Milling, cleaning, storing or otherwise treating in transit points must be directly intermediate, between point of origin and final destination, * * *.

Paragraph B, section 4—

> Rate from milling, cleaning, storing or otherwise treating in transit point on outbound commodity to destination will be the difference between the rate

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> collected to the milling, cleaning, storing or otherwise treating in transit point and the rate on the product shipped from the transit point from point of origin to destination as shown on the freight bills surrendered. * * *

The term "final destination" is interpreted by complainant as including the wharves at San Francisco and it therefore contends that its plant would be intermediate between points of origin and the wharves on traffic to southern California in connection with the boat lines.

In instances where combination of locals is applied on shipments receiving milling in transit, no switching charges are absorbed at the point of transit, section 10, page 38, of milling in transit rules specifically providing:

> No switching charge will be absorbed at transit stations on shipments receiving transit privilege except as provided in tariff of individual lines lawfully on file with the Interstate Commerce Commission or State Commission.

There are no provisions precluding the application of this rule on the shipments here in question and if "destination" is construed as contended to mean the destination reached via water lines, the switching charges would be in addition, San Francisco station being the transit point. To decide what is meant by the term "destination" as used in carriers' milling in transit provisions, it will be of assistance to briefly refer to the purposes of the milling in transit arrangements and to the other pertinent provisions of the rules and regulations. Milling in transit is a special service or privilege in addition to the transportation, the primary object of which is to permit shippers in connection with a through rate to stop the raw commodities at points intermediate between point of origin and destination for manufacturing purposes and to enable them to receive the benefit of through rates from points of origin to the rate destination on the finished product.

Item 50 provides:

> * * * the carload rates applicable to or from points on Southern Pacific * * * apply to or from the depots * * * to or from all industry tracks or wharves served by its rails and within its switching limits * * *.

This item reasonably interpreted means that the carrier receiving the line haul will place cars at the rate destination point on any of the designated tracks within the switching limits and such placement is the final destination and is the final service in connection with the line haul rates. Paragraph B, section 4, *supra,* provides for a milling in transit in connection with the through movement at through rates and since placement at any point within San Francisco switching limits completes the through movement under the tariff provisions any further service would be at the local rates, whether to another point within the San Francisco switching limits or to a line haul station.

The Interstate Commerce Commission in disposing of a question of tariff interpretation in *Forbes & Sons Piano Co.* vs. *A. G. S. R. R. Co. et al.,* 101 I. C. C. 77, said:

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> * * * that in interpreting a tariff the terms used must be taken in the sense in which they are generally understood and accepted commercially, and neither carriers nor shippers can be permitted to urge for their own purposes a strained and unnatural construction. Complainant relies entirely upon a literal interpretation of the intermediate rule, but in determining a question of this kind all of the pertinent provisions of the tariffs must be considered together, and if those provisions may be said to express the intention of the framers under a fair and reasonable construction, that intention must be given effect.

A holding similar in effect was made in *National Tariff Bureau* vs. *Director General of Railroads*, 99 I. C. C. 11, and by this Commission in *Golden Gate Brick Company* vs. *W. P. R. R. Co.*, 2 C. R. C. 607.

Complainant's plea of unjust discrimination is based upon the claim that its competitors are able to ship coarse grain from the Sacramento and San Joaquin valleys, mill in transit at Oakland and ship the manufactured articles to the wharves at San Francisco at a lower rate than the complainant enjoys by milling its product at San Francisco. This situation, however, considering Oakland versus San Francisco as representative, only prevails where the rates on the raw product are approximately the same as the rates on the manufactured articles. Where the differential between the raw and finished product is sufficient to embrace the switching charges of 34 cents per ton plus $3.50 per car, amounting approximately to 2½ cents per 100 pounds, which the manufacturer at San Francisco pays to reach the wharves from its mill, the advantage is with the shipper at San Francisco and, conversely, the shipper at Oakland is at a disadvantage. As illustrative: the rate on coarse grain from Waterford, in the San Joaquin Valley, to San Francisco and Oakland, is 12½ cents and on flour and cereal preparations, 16 cents. The miller at San Francisco pays the inbound coarse grain rate of 12½ cents and on the outbound manufactured product from the mill to the docks approximately 2½ cents per 100 pounds, a total of 15 cents. On shipments milled in transit at Oakland the manufacturer pays the inbound coarse grain rate of 12½ cents, but on the outbound movement to San Francisco pays the difference between the coarse grain rate to the transit point (Oakland), and the manufactured product rate, or 16 cents, from point of origin (Waterford) to final destination (San Francisco).

A check of the rate situation from 15 other grain shipping points picked at random in the San Joaquin Valley and embracing the territory extending from Oakdale, Manteca and Lyoth south to Bakersfield shows the same situation to exist at 10 of the 15 points, hence the manufacturer at San Francisco, rather than being at a disadvantage as compared with the Oakland miller, enjoys slight advantage. Likewise, in the Sacramento Valley, in the territory from Woodland and north to Redding, a check of the tariffs indicates that out of a total of 17 grain shipping points the rate advantage at 14 of these points rests with the San Francisco manufacturers.

Complainant admits that in shipping from points in the Sacramento Valley where the rates on coarse grains and the manufactured articles

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are equal, it is possible to mill in transit at San Francisco and reship to Oakland at the same rate the Oakland miller can mill in transit at Oakland and reship to San Francisco. An examination of the tariffs indicates that this situation also prevails from many points in the San Joaquin Valley, where the back haul to San Francisco is absorbed in the long line mileage via which the rates apply. Thus, in cases where there is a differential in the coarse grain and manufactured article rates of over 2½ cents per 100 pounds, complainant is not subject to undue discrimination, and where the coarse grain and manufactured article rates are the same complainant has the privilege of milling in transit at San Francisco and reshipping to Oakland in the same manner as the Oakland miller mills his product at Oakland and reships to San Francisco.

From the facts of record, we find that the rules of defendants, herein assailed, are not, in their application at San Francisco, unjust, unreasonable or excessive and do not result in prejudice and disadvantage to complainant and preference and advantage to complainant's competitors.

The complaint will be dismissed.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion, which said opinion is hereby referred to and made a part hereof;

It is hereby ordered, that the complaint in the above entitled proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this first day of December, 1926.

DECISION No 17690.

IN THE MATTER OF THE APPLICATION OF G. W. BANDY OF KERNVILLE, CALIFORNIA, FOR AN ORDER AUTHORIZING ROUTING OF TOLL MESSAGES TO ISABELLA, WELDON, GLENNVILLE AND ONYX VIA ISABELLA.

Application No. 12979.

Decided December 1, 1926.

RATES—TELEPHONE UTILITY—TOLL MESSAGES—SERVICE—TO ABANDON.—Applicant authorized to abandon service over that portion of his line extending from the summit of Greenhorn Mountain to Glennville, Kern County, and to route messages to and from points on the lines of The Pacific Telephone and Telegraph Company from and to Kernville, Isabella, Weldon and Onyx, by way of Bakersfield, and to establish and place in operation a central office at Isabella, and to establish a physical connection with the Pacific Company's lines at that place; charging toll rates fixed by the Commission.

G. W. Bandy, in propria persona.
L. M. Brown, for The Pacific Telephone and Telegraph Company.

BY THE COMMISSION.

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OPINION.

In the above entitled application, G. W. Bandy, hereinafter referred to as the applicant, asks the Railroad Commission to make its order authorizing the routing of messages originating at stations on The Pacific Telephone and Telegraph Company's lines and destined to Glenville, Weldon, Onyx and Isabella, by way of Bakersfield instead of Porterville, and further authorizing applicant to abandon that portion of his line lying between a point near the summit of Greenhorn Mountain and Glennville.

A public hearing was held in this matter before Examiner Satterwhite in Bakersfield on September 24, 1926, at which time the matter was submitted, and is now ready for decision.

Applicant has been furnishing telephone service in the vicinity of White River, Tulare County and Glennville, Kernville, Isabella, Weldon and Onyx, Kern County, California, for a number of years. The territory served by applicant lies generally south and east of the city of Porterville, Tulare County, California. Applicant's system consists in part of a toll line from The Pacific Telephone and Telegraph Company's central office at Porterville and applicant's central office at White River and a so-called grounded combination toll and subscriber's line connecting White River, Glennville and Kernville in the order named.

The section of telephone line between Glennville and Kernville is built over a rough mountainous country, according to the testimony in this proceeding, and does not follow any public highway. For this reason that portion of the line between Glennville and Kernville which applicant desires to abandon is maintained with great difficulty, especially during the winter months.

Tariff books of The Pacific Telephone and Telegraph Company and rate schedules of G. W. Bandy show that messages, the destinations of which are Kernville, Isabella, Weldon or Onyx, are routed to the Porterville central office, which would indicate that such messages would be routed over the line between Glennville and Kernville. Applicant, however, testified that telephone conversation between Kernville and points on the Pacific Company's system by the route above referred to is impossible and that all such messages must be repeated.

Applicant proposes to entirely abandon the line between Glenville and the summit of the Greenhorn Mountain as a toll route and to substitute a connection with the toll line of The Pacific Telephone and Telegraph Company at Isabella, through a central office to be established and operated by applicant at the latter point. The Pacific Telephone and Telegraph Company's toll line extends from Isabella to Bakersfield at which point connection might be made with all stations on this company's system.

Applicant proposes to charge and collect the rates for exchange service in the Isabella exchange area effective at the present time,

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although service is now furnished from the central office at White River. The charges for toll service by way of the Isabella central office, as proposed by applicant, are the same as those at present effective through applicant's White River central office.

Applicant's plan is concurred in by The Pacific Telephone and Telegraph Company and it appears that the operation of such a plan would be in the interests of the applicant's patrons and the public generally. No one appeared at the hearing to oppose the granting of this application.

ORDER.

G. W. Bandy having made application to the Railroad Commission for an order authorizing him to abandon telephone service over that portion of his line extending from the summit of Greenhorn Mountain to Glennville, Kern County, California, and to route messages to and from points on the lines of The Pacific Telephone and Telegraph Company from and to Kernville, Isabella, Weldon and Onyx by way of Bakersfield, a public hearing having been held, the matter having been submitted and the Railroad Commission finding as a fact that the abandonment of service over the above described line and the change in routing as above referred to are in the interest of the communities involved;

It is hereby ordered, that G. W. Bandy shall:

(1) Establish and place in operation as of January 1, 1927, a telephone central office at Isabella, Kern County, California.

(2) Charge and collect, effective as of January 1, 1927, the rates for exchange and toll telephone service as shown in Exhibit "A" attached hereto.

(3) Submit for filing with the Railroad Commission on or before December 31, 1926, the schedules of rates referred to in section 2 above, together with rules and regulations similar to those set forth in this Commission's Decision No. 13478 (24 C. R. C. 854) modified as may be approved by this Commission.

(4) Submit for filing with the Railroad Commission on or before December 31, 1926, a map showing exchange area boundaries for the White River and Isabella Exchanges as set forth in Exhibit "B" attached hereto.

It is hereby further ordered, that G. W. Bandy be and he is hereby authorized to establish and maintain physical connections for the interchange of toll telephone and telegraph business at Isabella, Kern County, with the lines of The Pacific Telephone and Telegraph Company, under connecting contracts entered into by G. W. Bandy and The Pacific Telephone and Telegraph Company subject to the approval of the Railroad Commission.

For all other purposes the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this first day of December, 1926.

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EXHIBIT "A."

RATES.

Exchange Service Schedule No. A-1.

Party Line and Local Exchange Switching Service.

The following listed rates are effective for party line and local exchange switching service:

Rate A.

Applicable to exchange service at all points within the company's western district, viz, at White River, Glenville, Woody and Jack Ranch (Posey).

Grade of service	Rate per month
Party line, lines and instruments owned and maintained by company, wall or desk set, per station	$1 50
Party line, lines and instruments owned and maintained by the subscriber, per station	75
Minimum charge per circuit, for lines and instruments owned and maintained by subscribers, per month	3 75

Conditions, Rate A.

(1) Under the rates listed herein, local service without switching charges is limited to direct calling between subscriber stations, not routed through a central office or switching station for completion.

(2) For local switching between subscriber stations, when routed through a central office or switching station for completion from one line to another at any point in the company's western district, a switching charge of twenty-five cents (25c), unlimited, is effective for each message.

Rate B.

Applicable to exchange service at all points within the company's eastern district, viz, at Isabella, Kernville, Weldon and Onyx.

Grade of service	Rate per month
Party line, lines and instruments owned and maintained by company, wall or desk set, per station	$1 50
*Party line, lines and instruments owned and maintained by company, wall or desk set, as hereinafter provided, per station	1 75
Party line, lines and instruments owned and maintained by the subscriber, per station	75
Minimum charge per circuit, for lines and instruments owned and maintained by subscribers, per month	3 75

Conditions, Rate B.

(1) Under the rates listed herein, local service without switching charges is limited to direct calling between subscriber stations, not routed through a central office or switching station for completion.

(2) For local switching between subscriber stations, when routed through a central office or switching station for completion from one line to another at any point in the company's eastern district, a switching charge of twenty-five cents (25c), unlimited, is effective for each message.

*(3) Subscribers paying the rate of one dollar and seventy-five cents ($1.75) per month, herein listed, are connected to a subscriber's line extending from Kernville and Isabella through Weldon to Onyx. Service between stations connected to this line is by direct call. For switching between any station on this line and any station on any other line at any point in the company's eastern district, a switching charge of twenty-five cents (25c), unlimited, is effective for each message.

Toll Service Schedule No. B-1.

General Service.

The following listed rates are applicable to long distance telephone toll service on the toll lines of the company, as provided below:

Rate A.

Applicable to toll telephone service between any two points on the toll lines of the company's western district, including Porterville, White River, Glenville, Woody and Jack Ranch (Posey).

	Rate	Period
Initial	$0 25	3 minutes
Overtime	10	1 minute

Rate B.

Applicable to toll telephone service between any two points on the toll lines of the company's eastern district, including Isabella, Kernville, Weldon and Onyx.

	Rate	Period
Initial	$0 25	3 minutes
Overtime	10	1 minute

Conditions.

(1) Connection is made with the toll lines of connecting companies as follows:
Lines of western district at Porterville.
Lines of eastern district at Isabella.

The charges applicable to toll service between points on the lines of the company, other than Porterville and Isabella, and points on the lines of connecting companies' lines beyond Porterville and/or Isabella are the rates quoted by the connecting companies for use of their lines, plus the above listed rates; the rates above apply

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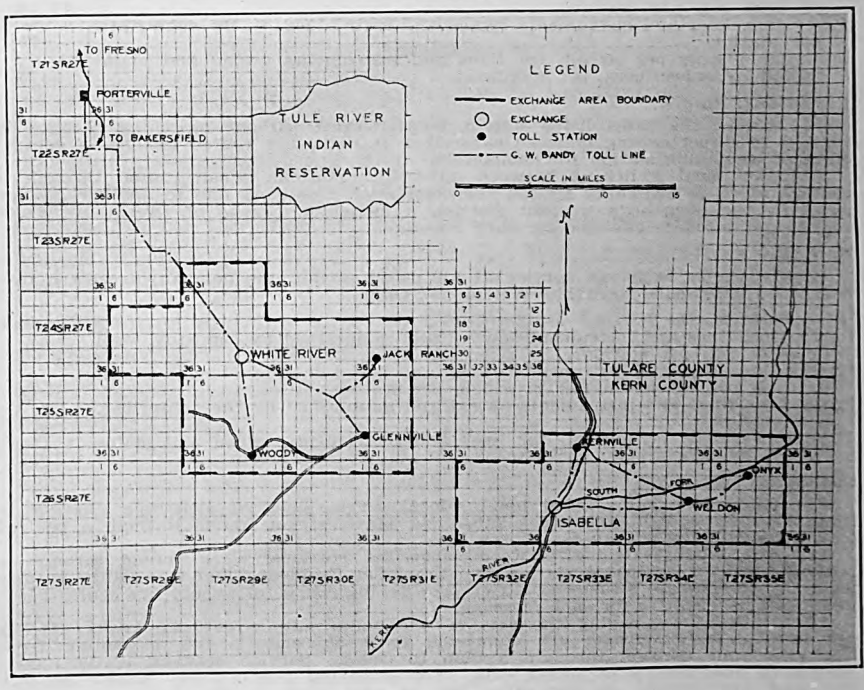
to toll messages over the company's lines without reference to the class of service which may be offered or furnished by the connecting companies.

(2) Toll telephone service between points in the western district of the company and in the eastern district of the company is rendered in conjunction with the toll telephone lines of connecting company and charges for such service are the above rates, plus the connecting company's rate, applicable between Isabella and Porterville, except that for such service the rate from the last connecting company point to the called station only is applied; in such cases no charge is made by the company for service from the calling point to the first point on connecting company line.

EXHIBIT "B."

MAP OF EXCHANGE AREAS OF WHITE RIVER AND ISABELLA EXCHANGES.



DECISION No. 17694.

GILMORE OIL COMPANY, HERCULES GASOLINE COMPANY, O'DONNELL-GILLETTE REFINING COMPANY, VERNON OIL REFINING COMPANY, WILSHIRE OIL COMPANY

vs.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY, LOS ANGELES AND SALT LAKE RAILROAD COMPANY.

Case No. 2182.

Decided December 1, 1926.

RATES—STEAM RAILROAD—PETROLEUM GAS OIL—REPARATION.—It is found the rates charged for transportation of petroleum gas oil (refinery tops) on carload shipments from Wilmington, Santa Fe Springs, Pozo, Rioco, Burnett, Leesdale and Fillmore to Los Angeles, and from Los Angeles to O'Donnell spur, are unreasonable in so far as they exceed the rates contemporaneously

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in effect on petroleum crude oil from and to those points. Defendants ordered to establish on or before December 15, 1926, rates on petroleum gas oil from and to those points which shall not exceed the rates contemporaneously in effect on petroleum crude oil from and to those points. Reparation awarded on the same basis.

B. H. Carmichael and *Glensor, Clewe, Van Dine and Turcotte*, by *H. W. Glensor* and *F. W. Turcotte*, for Complainants.
E. W. Camp, Platt Kent and *Berne Levy*, for The Atchison, Topeka and Santa Fe Railway Company.
A. S. Halsted and *E. E. Bennett*, for Los Angeles and Salt Lake Railroad Company.
J. E. Lyons and *A. A. Johnson*, for Southern Pacific Company.
C. W. Cornell, for Pacific Electric Railway Company.

BY THE COMMISSION.

OPINION.

Complainants are corporations engaged in the producing, buying, refining, blending and selling of petroleum products, with their places of business at Los Angeles.

By complaint filed October 13, 1925, it is alleged that the rates assessed on various carloads of petroleum gas oil moving from Wilmington, Santa Fe Springs, Torrance, Pozo, Mallard, Leesdale and Fillmore to Los Angeles, and from Los Angeles to O'Donnell spur during the period extending from May 28, 1922, to October 13, 1925, were in the past and for the future will be excessive, unjust and unreasonable in violation of section 13 of the Public Utilities Act to the extent they exceeded or may exceed 3 cents per 100 pounds from Wilmington, Santa Fe Springs, Torrance, Pozo, Mallard and Burnett to Los Angeles, and from Los Angeles to O'Donnell spur, and 6 cents per 100 pounds from Leesdale and Fillmore to Los Angeles.

Shipments moving more than two years prior to the filing of the complaint were the subject of informal correspondence and are registered with the Commission under file numbers I. C. 30093 of April 22, 1924; I. C. 30233 of May 5, 1925, and I. C. 32629 of May 31, 1925, and were seasonably filed to stay the statute of limitation.

The East-West Refining Company intervened in behalf of complainants and by mutual agreement broadened the complaint by bringing into issue the rates on gas oil from Burnett and Santa Fe Springs to Los Angeles. It is alleged by intervener that the rates from these points were in the past, and for the future will be, unjust and unreasonable to the extent they exceeded or may exceed 3 cents per 100 pounds. The Pacific Electric Railway Company intervened in behalf of defendants.

The Commission is asked to prescribe just and reasonable rates for the future and to award reparation.

Complainants and intervener, East-West Refining Company, will be collectively referred to as complainants. Defendants, The Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake

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Railroad Company, and Southern Pacific Company, will be hereinafter referred to as the Santa Fe, Salt Lake Line and Southern Pacific respectively. Rates will be stated in cents per 100 pounds.

Public hearings were held before Examiner Geary at Los Angeles March 31 and April 1, 2 and 9, 1926, and the case having been duly submitted and briefs filed is now ready for our opinion and order.

The points here involved are all situated in the southern California oil field districts adjacent to Los Angeles. Wilmington, served by the Santa Fe, Salt Lake Line and Southern Pacific, is 31 miles, 27 miles and 21 miles, respectively, from Los Angeles. Torrance, Santa Fe Springs and Pozo are situated on the Santa Fe, 24, 13 and 26 miles, respectively, from Los Angeles. Burnett, O'Donnell spur and Mallard on the Salt Lake Line, 19, 11 and 13 miles, respectively, from Los Angeles, and Fillmore and Leesdale on the Southern Pacific, 55 and 61 miles, respectively, from Los Angeles. Effective October 1, 1924, Mallard, on the Salt Lake Line, was changed to Rioco, hence reference hereafter will be made to the latter name.

Complainants' shipments to Los Angeles consisted of 4 cars from Santa Fe Springs; 533 cars from Pozo; 86 cars from Burnett; 3 cars from Rioco; 154 cars from Fillmore; 10 cars from Leesdale, and from Los Angeles to O'Donnell spur 12 cars, a total movement of 802 cars. Apparently no shipments were made from Wilmington and Torrance to Los Angeles.

The applicable rate on gas oil from Wilmington, Torrance, Santa Fe Springs, Pozo, Rioco and Burnett to Los Angeles and from Los Angeles to O'Donnell spur was and is 4 cents; from Fillmore to Los Angeles 8 cents and from Leesdale to Los Angeles 12½ cents. These rates were assessed and collected on complainants' shipments, with the exception of 9 cars moving from Leesdale, on which a rate of 8 cents was erroneously applied.

The rates for gas oil here sought by complainants are the same as those contemporaneously in effect on crude oil. From and to all points here involved, with the exception of Fillmore and Leesdale, the gas oil rates were at the time the shipments moved and are now 1 cent higher than the crude oil rates. From Fillmore the past and present differential in favor of the crude oil rates was and is 2 cents. From Leesdale both the gas oil and crude oil rates are now on a parity, but at the time these shipments moved the Leesdale rate on gas oil was 6½ cents higher than on crude oil.

Both complainants and defendants agree that the commodity shipped was not gas oil as that commodity is known in the petroleum industry, but a petroleum product colloquially referred to as refinery tops, hereinafter called "tops." Tops are the first "cuts" or distillations of the crude oil and contain the higher fractions of oil, such as gasoline, engine distillate and kerosene. They are extracted from the crude oil

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at the source of supply by topping plants and are transported in tank cars to complainants' refineries where the gasoline, engine distillate and kerosene are extracted by a further process of distillation. Tops are very rarely used commercially until the elements are separated into their component parts, the sole exception being, according to the record, of an occasional use as fuel oil in semi-Deisel engines. Their principal value, however, is for further refining and, according to the record, all of complainants' shipments were so used.

Gas oil, as it is technically known in the trade, is derived from the crude oil residuum after the tops are removed and is a product intermediate between the higher fractioned oils and non-viscous oils, such as lubricating greases and asphalt. It is a comparatively low grade commodity containing none of the higher fractions of oil and is used primarily in the manufacture of illuminating and pintsch gas. It is also used occasionally as a furnace fuel or as a charging stock in the production of gasoline by the cracking process.

Complainants contend that from a transportation standpoint the terms "tops" and "gas oil" are synonymous, they having been used interchangeably in the petroleum industry for years and that undoubtedly the term "gas oil" was first used as descriptive of tops from which gasoline could be made. It is also claimed that for the past 20 years tops have been transported under the gas oil rates.

Defendants do not disclaim knowledge that the gas oil rates have been and are used to transport tops, but they contend that the classification of tops as gas oil is incorrect, contrary to the tariffs, and that the proper rates to apply on tops should be those applicable on petroleum products n. o. i. b. n. (not otherwise indexed by name).

From the evidence submitted in this proceeding and from an examination of past decisions of this Commission, it appears complainants' contention that from a transportation standpoint the terms "gas oil" and "tops" are used interchangeably to designate the commodity here at issue is correct. For a number of years there has been a substantial rail movement in California of tops from the crude oil fields to the refineries, and except in remote instances the movement has been under the gas oil rates.

The question of the proper classification of refinery tops was first considered by the Commission in Application No. 817, decided February 25, 1914, Decision No. 1298, 4. C. R. C. 261. In that proceeding the major rail lines in California sought to increase the rates on refinery tops from the crude oil basis to the higher basis applicable on engine (naphtha) distillate, a refined product. In denying applicants' authority to make this change Commissioner Thelan, speaking for the Commission, said:

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> The carriers claim that refinery tops are an engine distillate and that hence the proper rating is 80 per cent of fifth class. The protestants, being the independent refineries of this state, claim that refinery tops are a petroleum gas oil and that hence the proper rating is the crude oil rating, which is class "D" or corresponding commodity rate for crude oil. * * * We find that the principal carriers here involved have during the last few years themselves either owned or controlled plants from which refinery tops were shipped at the crude oil rate. If there is any reasonable doubt in this case as to whether refinery tops at the present time properly take 80 per cent of fifth class or class "D," the doubt must be resolved in favor of the uniform practice of the carriers during the last seven years, both as carriers for others and as carriers of this product manufactured in plants owned or controlled by them. The claim of the carriers that they only recently found out that there was such a commodity and that it was being shipped at the crude oil rate is not borne out by the evidence.
>
> I find that refinery tops at the present time come under Item No. 90-C and that the proper rating is class "D."

Again in Case No. 1990, *Richfield Oil Company* vs. *Sunset Railway Company,* decided December 12, 1924, 25 C. R. C. 619, the Commission in considering the reasonableness of the rates on refinery tops moving from Shale, Fellows and Pentland to Bakersfield, said:

> The tariff item naming these rates provided a description on oils, petroleum or petroleum products, viz, petroleum gas oil. The complainant described the shipments as gas oil and rates were assessed as above, but defendant now contends the shipments were misdescribed. A substantial portion of the record dealt with the technicalities as to what the term "gas oil" included but it appears "gas oil" as generally known to the trade in this territory is a grade of raw material containing various commodities of commercial value, such as oil, kerosene and absorption gasoline, which may be obtained upon further refining.

Thus it is apparent that defendants have for the past 19 or 20 years applied the gas oil rates on refinery tops. There is no doubt that in the petroleum industry gas oil and tops are commodities that differ materially one from the other. But where in the transportation field the prevailing practice, extending over a long period of years, has been to apply the gas oil rates on refinery tops, it appears fair to assume that the term "gas oil" was and is meant to be descriptive of refinery tops. This assumption is especially logical inasmuch as the latter term is more or less of a colloquialism coupled with the fact that rates on gas oil have been maintained in defendants' tariffs for a number of years.

However, inasmuch as gas oil and refinery tops are considered different commodities in the petroleum industry, complainants and defendants should, for the future, in order to avoid confusion, endeavor to arrive at a more comprehensive commodity description for refinery tops. Defendants suggest this could be done by limiting refinery tops to a petroleum product having a specific gravity of from 40 degrees to 50 degrees A. P. I. (American Petroleum Institute Scale), and a flash point below 60 degrees F. Gravity is the weight of the oil and can be determined by the use of a hydrometer and thermometer read in conjunction with a graduated chart compiled for that purpose. Flash

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point is the degree of temperature at which an oil gives off vapor in sufficient quantity to flash or burn momentarily and can be determined by various forms of apparatus, the principal one of which is Tagliabue's Open-Cup Tester.

The classification of refinery tops by the gravity and flash point method is too indefinite for practical purposes, especially with respect to the use of the flash point as a conclusive test. It is in evidence that some of the complainants' shipments of tops flashed at atmospheric temperature, while with others the flash point was over 130 degrees F. This is attributed to the fact that tops having a large gasoline content flash at a low temperature and those containing little or no gasoline flash at a relatively higher temperature. It is also in evidence that the flash point of other petroleum products, such as crude and fuel oil, may be considerably lowered simply by the addition of a few drops of gasoline.

If, after conference, complainants and defendants are not able to reach an agreement as to the proper commodity description to publish for the future, the matter may be referred to the Commission for further attention.

There now remains for consideration the question of whether or not the gas oil rates assessed on complainants' shipments were and are just and reasonable for the transportation of refinery tops.

Tops are not a refined product and, as previously stated, they have practically no commercial use until further refined. Their value is primarily determined by the gasoline content and depends considerably on the location of the field from which the crude oil is taken.

Complainants' shipments ranged in value from approximately $1 to $2.75 per barrel, the lower valued tops containing principally kerosene and distillate and practically no gasoline. The contemporaneous price of crude oil varied from about 85 cents to $2.40 a barrel, the value depending upon the specific gravity of the oil. The higher valued oils were secured from the Santa Fe Springs and Athens fields, these two areas producing the highest gravity oils found in the state. It may be safely stated, however, that the average value of tops is slightly higher than the average value of crude oil, but materially lower than the value of refined oils.

The evidence shows that complainants' shipments were transported in crude oil tank cars that did not require water white containers. Charges were assessed on an arbitrary weight basis of 7.75 pounds per gallon, the estimated weight used in the transportation of crude oil in tank cars. The actual weight of complainants' shipments varied from 6.6 pounds to 6.98 pounds per gallon, thus resulting in charges on a weight basis ranging from approximately 11 to 17.5 per cent in excess of the actual weight.

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The average per car weight applied to the shipments moving from Pozo was 80,738.24 pounds, yielding a per car revenue of $32.23; a per car mile revenue of $1.2396 and a per ton mile revenue of 3.077 cents. From Santa Fe Springs the average per car weight was 63,323 pounds; per car revenue $25.23; per car mile revenue $1.940 and per ton mile revenue 6.154 cents; from Burnett the average per car weight was 93,530 pounds; per car revenue $37.41; per car mile revenue $1.969 and per ton mile revenue 4.210 cents; from Rioco the average per car weight was 96,477 pounds; per car revenue $38.59; per car mile revenue $2.968 and per ton mile revenue 6.154 cents; from Fillmore the average weight was 85,411 pounds; per car revenue $68.32; per car mile revenue $1.242 and per ton mile revenue 2.909 cents, and from Leesdale the average per car weight was 62,843 pounds; per car revenue $78.55; per car mile revenue $1.287 and per ton mile revenue 4.098 cents.

Complainants compare the assailed rate with a rate of 5 cents applicable on refinery tops from Shale, Fellows and Pentland to Bakersfield for distances of 55, 52 and 37 miles, respectively, prescribed by the Commission in *Richfield Oil Company* vs. *Sunset Railway,* 25 C. R. C. 619. In that proceeding the Commission found:

> The average weight of complainant's shipments was 74,476 pounds and based on an average haul of 48 miles and a rate of 5 cents per 100 pounds * * * would produce a per car revenue of $37.24, per car mile revenue of 77½ cents, per ton mile revenue of $0.0208.

Complainants also stress the fact that in the original tops case, Application No. 817, *supra,* we denied the carriers authority to increase the rates on tops above the level of the concurrently effective crude oil rates, and in Application No. 4733, Decision No. 7252, in the matter of the application of the Pacific Electric Railway Company to increase rates for the transportation of petroleum and petroleum products, we placed the crude oil and gas oil rates on a parity.

The record indicates that prior to the early part of 1922 defendants for a number of years maintained the gas oil and crude oil rates on an equal basis in the territory here at issue. Effective February 28, 1922, or subsequent thereto, the crude oil rates were reduced without a corresponding adjustment being made in the gas oil rates. As illustrative: On June 24, 1918, the crude and gas oil rate from Wilmington to Los Angeles via the Salt Lake Line was 2 cents. Effective August 8, 1918, in compliance with Freight Rate Authority No. 96 of the Director General of Railroads, the 2-cent rate was increased to 6½ cents. A further increase to 8 cents was made on August 26, 1920, by authority of this Commission in Application No. 5728, Decision No. 7983, 18 C. R. C. 646, wherein we authorized a general increase of 25 per cent in

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all intrastate freight rates in this territory, the same as was granted by the Interstate Commerce Commission in *ex parte* Order No. 74. The 8-cent rate remained in effect until May 31, 1921, when it was voluntarily reduced to 5 cents. On February 28, 1922, a further reduction to 3 cents was made in the crude oil rate without a corresponding reduction in the gas oil rate. However, on July 1, 1922, the gas oil rate was reduced from 5 cents to 4½ cents and, effective December 15, 1922, was further reduced to 4 cents. The 3-cent rate on crude oil and the 4-cent rate on gas oil are now in effect. Thus, from June 24, 1918, until February 28, 1922, the crude oil and gas oil rates were on a parity, but since the latter date the crude oil rates have been successively 2 cents, 1½ cents and 1 cent lower than the gas oil rate. The history of the rates from Wilmington to Los Angeles via the Salt Lake Line may be considered as fairly representative of the rate situation in the territory here involved.

From exhibits presented by complainants it appears that between practically all points in California, save in the territory here involved, the gas oil (refinery tops) and crude oil rates are now and have been on a parity.

Defendants contend that the crude oil rates in southern California are depressed by pipe line competition and thus, *per se*, are less than reasonable. It is claimed that the present crude oil rate of 3 cents is an outgrowth of the establishment by the Santa Fe prior to June 24, 1918, of a 2-cent rate from El Segundo to Los Angeles. This rate, it is claimed, was published after a very large oil company located at El Segundo had threatened to construct a pipe line to Los Angeles unless a satisfactory rate was published for the movement of crude oil. The 2-cent rate, due to war-time increases, was successively raised to 6½ cents on August 8, 1918, and to 8 cents on August 26, 1920. Effective May 27, 1921, the 8-cent rate was reduced to 5 cents and on February 28, 1922, was further reduced to 3 cents. Following the establishment of the 3-cent rate from El Segundo to Los Angeles the competing rail carriers made corresponding reductions from shipping points on their respective lines to Los Angeles to place the shippers using their rails on a parity with those shippers at El Segundo. Hence, on or subsequent to February 28, 1922, the crude oil rates from the points here involved, with the exception of Fillmore and Leesdale, were placed on the El Segundo-Los Angeles basis and the rates from Fillmore and Leesdale arbitrarily established with relation thereto.

Defendants also contend they are confronted with actual pipe line and motor truck competition and presented Exhibit 12 showing the pipe lines maintained by the various oil companies in the vicinity of Los Angeles. There was no affirmative showing, however, as to the

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extent the claimed competition, either pipe line or motor truck, affects or has affected the movement of crude oil via the rail lines. Neither is there any evidence showing the difference, if any, in the cost of moving crude oil via rail as compared with the cost via motor truck or via the pipe lines. The mere assertion that pipe line or motor truck competition exists without some substantiating evidence as to the extent thereof or the cost of moving the commodity by the competing lines is of little probative value in arriving at a reasonable rail rate.

Defendants compare the assailed rates contemporaneously in effect between various points in California applicable on many noncompetitive commodities, viz, acid, asphalt, canned goods, iron and steel articles, cement, clay and clay products and other articles. These comparisons have been given careful consideration, but the record is devoid of any showing as to the circumstances and conditions surrounding their establishment and maintenance. We have repeatedly held that such comparisons, in the absence of some supporting data, are of little value.

After careful consideration of all the testimony and the exhibits of record in this proceeding, we are of the opinion and find that the assailed rates have been in the past and for the future will be unreasonable to the extent they exceeded or may exceed the contemporaneously applicable rates on crude oil between the points here involved.

We further find that complainants, Gilmore Oil Co., Hercules Gasoline Co., O'Donnell-Gillette Refining Co., Vernon Oil Refining Co., Wilshire Oil Company, and intervener, East-West Refining Company, paid and bore the charges on the shipments in question and have been damaged to the extent of the difference between the charges paid and those that would have accrued at the rates herein found reasonable and are entitled to reparation, with interest, on all shipments coming within the purview of section 71 of the Public Utilities Act.

The amount of reparation due can not be determined on this record. Complainants should submit a statement of the shipments to defendants for check and if it is not possible to reach an agreement as to the amount of reparation the matter may be referred to the Commission for further attention.

ORDER.

This case being at issue upon complaint and answer on file, full investigation of the matters and things involved having been had and basing this order on the findings of fact and the conclusions contained in the opinion which precedes this order and which said opinion is hereby referred to and made a part hereof;

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It is ordered, that the defendants, Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company, and Los Angeles and Salt Lake Railroad Company, according as they participated in the transportation, be and they are hereby notified and required to cease and desist on or before December 15, 1926, and thereafter to abstain from publishing, maintaining or applying rates on carload shipments of petroleum gas oil from Wilmington, Santa Fe Springs, Torrance, Pozo, Rioco, Burnett, Leesdale and Fillmore to Los Angeles, and from Los Angeles to O'Donnell spur, which shall exceed the rates contemporaneously in effect on petroleum crude oil from and to those points.

It is further ordered, that defendants, Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and Los Angeles and Salt Lake Railroad Company, according as they participated in the transportation, be and they are hereby notified and required to establish on or before December 15, 1926, upon notice to this Commission and to the general public by not less than five days' filing and posting in the manner prescribed in section 14 of the Public Utilities Act, rates on petroleum gas oil from Wilmington, Santa Fe Springs, Torrance, Pozo, Rioco, Burnett, Leesdale and Fillmore to Los Angeles, and from Los Angeles to O'Donnell spur which shall not exceed the rates contemporaneously in effect on petroleum crude oil from and to those points.

It is further ordered, that defendants, Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and Los Angeles and Salt Lake Railroad Company, according as they participated in the transportation, be and they are hereby authorized and directed to pay, with interest, unto complainants, Gilmore Oil Co., Hercules Gasoline Co., O'Donnell-Gillette Refining Co., Vernon Oil Refining Co., Wilshire Oil Company, and intervener, East-West Refining Company, as their interests may appear, all charges collected for the transportation of various carloads of petroleum gas oil moving from Wilmington, Santa Fe Springs, Torrance, Pozo, Rioco, Burnett, Leesdale and Fillmore to Los Angeles, and from Los Angeles to O'Donnell spur during a period extending from May 28, 1922, to October 13, 1925, involved in this proceeding and within the purview of section 71 of the Public Utilities Act, which exceeded the charges that would have accrued at the rates contemporaneously applicable on petroleum crude oil between these points.

Dated at San Francisco, California, this first day of December, 1926.

DECISION NO. 17695.

IN THE MATTER OF THE APPLICATION OF THE CITY OF RIVERSIDE, A MUNICIPAL CORPORATION, FOR AN ORDER OF THE RAILROAD COMMISSION REQUIRING INTERSWITCHING RIGHTS AND PRIVILEDGES TO BE ACCORDED BY THE SOUTHERN PACIFIC RAILROAD, THE UNION PACIFIC RAILROAD, THE ATCHISON, TOPEKA

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AND SANTA FE RAILROAD, AND THE PACIFIC ELECTRIC RAILWAY IN THE CITY OF RIVERSIDE.

Case No. 2008.

Decided December 1, 1926.

TRANSPORTATION—STEAM RAILROAD—INTERCHANGE SWITCHING.—Finding that the volume of intrastate traffic does not justify the installation of interchange switching facilities, the complaint is dismissed.

Geo. A. French, City Attorney of City of Riverside, for Complainant.
E. W. Camp, L. R. Everett and *B. Levy*, for The Atchison, Topeka and Santa Fe Railway Company, Defendant.
C. W. Cornell, L. C. Zimmerman and *F. W. Mielke*, for Southern Pacific Company, Defendant.
C. W. Cornell and *T. J. Day*, for Pacific Electric Railway Company, Defendant.
A. S. Halstead, E. E. Bennett, —— Lincoln and *J. L. Totten*, for Los Angeles and Salt Lake Railroad Company, Defendant.

BY THE COMMISSION.

OPINION.

The city of Riverside, a municipal corporation, in this proceeding complains that the Southern Pacific Railroad, the Atchison, Topeka and Santa Fe Railroad, the Union Pacific Railroad, and the Pacific Electric Railway, all of which serve the city of Riverside, have no uniform system of interchange switching in said city; that the absence of such interchange switching is unsatisfactory and inconvenient to the shipping public; that applicant has heretofore, through its mayor and common council, endeavored to induce said railroads to enter into a general and uniform interswitching agreement for service between such lines and that although some of the railroads have assented to the proposal others have refused and the desired interswitching service has not been established. Complainant prays for an order of the Railroad Commission requiring defendant railroads each to switch to private spurs and industrial tracks upon its own railroad the cars of such connecting railroads.

Defendant, Pacific Electric Railway Company, duly filed its answer denying that it does not have reciprocal or interswitching relations with all the railroads in the city of Riverside with which its line connects; admits that it does not have such relationship with The Atchison, Topeka and Santa Fe Railway in said city and avers that there are no connections between The Atchison, Topeka and Santa Fe Railway Company and this defendant in the city of Riverside suitable for such interswitching arrangements within the switching limits. Defendant denies that its service is unsatisfactory or inconvenient to the shipping public and denies that any further facilities are necessary to be provided by this defendant in order to enable it to properly serve the public and to transport freight traffic handled by it.

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Defendant, Southern Pacific Company (styled Southern Pacific Railroad in the complaint), duly filed its answer in which it generally denies the material allegations of complainant; and alleges that there is no direct physical connection between the tracks of Southern Pacific Company and those of Atchison, Topeka and Santa Fe Railway. Defendant further alleges that in so far as interstate commerce is involved in this complaint the Railroad Commission has no jurisdiction over the subject matter of the complaint.

Defendant, Los Angeles and Salt Lake Railroad Company (styled Union Pacific Railroad in the complaint), duly filed its answer alleging that it now maintains interchange arrangements with the three other lines of railway serving the city of Riverside, in connection with the handling of carload freight originating at or destined to the city of Riverside, in accordance with the provisions of Item 660, page 28, of L. A. & S. L. Terminal Tariff 200-E, C. R. C. No. 289. Defendant further alleges that in view of the provisions of the Transportation Act of 1920 this Commission has no jurisdiction over the subject matter of this complaint, such jurisdiction being, by the provisions of such enactment, vested in the Interstate Commerce Commission.

Defendant, The Atchison, Topeka and Santa Fe Railway Company, duly filed its answer alleging that the Railroad Commission has no jurisdiction over the subject matter of the complaint.

Public hearings on this complaint were held at Riverside, the matter was duly submitted and is now ready for decision.

Counsel for defendants joined in a motion for dismissal of this proceeding on the ground that the complaint was one over which the Railroad Commission had no jurisdiction by reason of the Transportation Act of 1920 having placed jurisdiction with the Interstate Commerce Commission by the provisions of subdivision 3 of paragraph 3 of the Interstate Commerce Act, a portion of said subdivision being as follows:

> All common carriers engaged in the transportation of passengers or property, subject to the provisions of this act, shall, according to their respective powers, afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines, * * *.

Sperry Flour Company operates three warehouses at Riverside, the main place of business being served by Southern Pacific Company and Los Angeles and Salt Lake Railroad Company, the other two warehouses being served exclusively by Southern Pacific Company. It is now impossible to bring shipments into Riverside over the lines of The Atchison, Topeka and Santa Fe Railway Company for delivery to the two warehouses located on the Southern Pacific tracks. Grain coming

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to this concern via the line of the Southern Pacific Company can not be transferred to Santa Fe tracks. The bulk grain unloading facilities of this company are located in the warehouse served by the Southern Pacific-Los Angeles and Salt Lake tracks and an expense of from $3,000 to $4,000 would be required to duplicate such facilities at either of the other two warehouses now served exclusively by Southern Pacific rails. It is alleged that considerable grain originates at Murrietta, and at points in Perris Valley, all points on the line of Atchison, Topeka and Santa Fe Railway, but it appears that such grain is now moving by trucks and would probably continue to so move by reason of the advantage of field pickup and delivery to warehouse door.

The traffic manager of Sperry Flour Company presented an exhibit showing the intrastate movement for his company during the year 1924 to have been as follows:

	Cars	Tons
Inbound		
Through continuous movement—		
Los Angeles and Salt Lake Railroad	4	87
Atchison, Topeka and Santa Fe Railway Company	35	878
Southern Pacific Company	62	1,575
Milled in transit at Los Angeles—		
Los Angeles and Salt Lake Railroad	0	0
Atchison, Topeka and Santa Fe Railway Company	12	260
Southern Pacific Company	12	268
Outbound		
Milled in transit at Riverside—		
Los Angeles and Salt Lake Railroad	0	0
Atchison, Topeka and Santa Fe Railway Company	0	0
Southern Pacific Company	14	496
Total, received and forwarded	139	3,564

This witness testified that extra expense was occasioned on intrastate traffic if cars were forwarded from Santa Fe points in the San Joaquin Valley destined to warehouses located on Southern Pacific tracks, or for carloads originating in the Imperial Valley at Southern Pacific Company points and destined to Riverside for delivery on Santa Fe spurs, such shipments requiring to move via the Colton interchange and the local rate Colton to Riverside being assessed in either instance. Southern Pacific-Los Angeles and Salt Lake Railroad and Pacific Electric-Southern Pacific facilities were stated to be very satisfactory, the cause of complaint with this company being confined entirely to the Southern Pacific-Atchison, Topeka and Santa Fe Railway lack of interchange facilities.

Whitehead Brothers, handling eggs, butter and cheese in carload quantities, have their warehouse located on Southern Pacific tracks, and receive intrastate shipments via Atchison, Topeka and Santa Fe Railway from San Francisco Bay points and from Petaluma. If such shipments are not routed with destination as Southern Pacific

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delivery, an interchange through Colton is necessary, which could be obviated if proper shipping instructions and routing were to be given. An instance was given of two carloads of egg cases consigned from Los Angeles via Atchison, Topeka and Santa Fe Railway, resulting in local charges of $27 and two days' delay to secure delivery at the warehouse on the Southern Pacific tracks at Riverside, against a charge of $2.70 per car had an interchange been available at Riverside. Shipment via Southern Pacific from Los Angeles would have afforded proper delivery at the spur track of this concern at Riverside and have obviated the extra expense and delay.

R. P. Small, engaged in the grain and feed business at Riverside, has a warehouse located on the Santa Fe tracks. This witness complains of inability to secure shipments from the Imperial Valley by reason of no joint rates on his commodities from Southern Pacific points therein located, carload shipments requiring to be drayed from Southern Pacific tracks to his warehouse at a drayage charge of 75 cents per ton or to be switched via Colton at the local rate of $1.20 per ton. If interchange switching were available, a rate of $7.50 per car would be assessed for the transfer from Southern Pacific to Santa Fe tracks. This witness handles from 60 to 70 cars per year of which number 20 per cent are intrastate movements.

E. T. Johnson of the firm of M. J. Johnson and Company, wholesale grocer, testified that his company had a warehouse served by both the Southern Pacific and Santa Fe lines, and that interchange switching would be convenient as regards car supply or the physical condition of the warehouse, it being sometimes desirable to change delivering carrier from that performing the line haul by reason of the space available in warehouse for the receipt of incoming shipments. Los Angeles and Salt Lake-Santa Fe interchange is now available to this witness and the interchange between Southern Pacific-Santa Fe is desired.

R. P. Small, with warehouse on Santa Fe, complained regarding a car of gypsum originating on the Southern Pacific at Plaster City in the Imperial Valley. The rate via Southern Pacific was said to be $1.90 per ton but if Santa Fe delivery was made, the rate would have been $3.50 per ton. Witness used Southern Pacific service and drayed the shipment to warehouse on Santa Fe tracks following its arrival at Riverside. Complaint was also made as regards grain in carloads from the Imperial Valley upon which the drayage charge amounted to $15 to $20 per car as against an additional local charge of $1.20 per ton for transfer via Colton to permit of Santa Fe delivery at the warehouse of the witness.

The Southern Sierras Power Company, with material yard served by Southern Pacific Company, have shipments to move between Riverside, Victorville, Hemet, Perris, Elsinore and San Jacinto on the line of

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the Atchison, Topeka and Santa Fe Railway, and it is necessary to forward or receive such shipments via Colton. The Southern Pacific-Santa Fe interchange would eliminate the inconvenience now complained of by this company.

A. D. White, of the Chas. R. McCormick Lumber Company with spur track served by the Atchison, Topeka and Santa Fe Railway, testified that during the past year there was one shipment for which interchange switching would have been of advantage.

H. A. Lynn, manager of Riverside-Arlington Heights Fruit Exchange, testified that his company operated two packing houses on the Southern Pacific and two on the tracks of the Atchison, Topeka and Santa Fe Railway; that often shook arrived on the wrong line in which event drayage was used instead of transferring via Colton to save the expense of the local rate and to conserve time. Shipments arriving via routing other than specified cause inconvenience and an interchange between Southern Pacific and Santa Fe rails would eliminate the troubles experienced, although it appears from the testimony of this witness that expenses incurred by errors in routing or disregard of instructions as to delivering carrier are charged back to the consignor.

Fred Stabler, of Stabler-Parker Co., dealers in fruit processing machinery, testified that his company had three locations in Riverside, one of which was served by Southern Pacific Company and one by Santa Fe tracks. Shipments handled by the plants served by these carriers were as follows:

Line	*Year*	*Inbound*	*Outbound*
Atchison, Topeka and Santa Fe Railway	1923	404 tons	77 tons
	1924	333 tons	71 tons
Southern Pacific Company	1923	102 tons	--
	1924	5 tons	--

This witness testified that his company was inconvenienced by the necessity of being obliged to reroute shipments.

P. H. Davison, Manager of the Riverside Branch of the Poultrymen's Cooperative Milling Association, testified that his warehouse was located on the Southern Pacific tracks and received carload shipments from a mill in Los Angeles located on Santa Fe rails; that the first carload received via Santa Fe required an expense of about $18 for drayage to the warehouse; that all shipments were now routed via Southern Pacific but such service was unsatisfactory, requiring two or three days longer to accomplish delivery than via Santa Fe routing.

Witnesses for defendant carriers testified as to the physical conditions existing at Riverside with respect to the track connections of the respective companies.

It appears that no complaint exists as to the service and facilities of any defendant as regards the receipt and delivery of carload ship-

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ments handled by any individual defendant; that no cause for complaint exists regarding interchange switching between the Southern Pacific-Pacific Electric, Southern Pacific-Los Angeles and Salt Lake; Atchison, Topeka and Santa Fe Railway-Pacific Electric, Los Angeles and Salt Lake, Pacific Electric, or Atchison, Topeka and Santa Fe-Los Angeles and Salt Lake.

The entire complaint refers to the lack of interchange switching between the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railway Company. No physical connection exists between the tracks of these companies and it is of record that an expenditure of $6,100 would be necessary to provide the necessary track connection to accomplish the interchange between these carriers. Another method of accomplishing the interchange between the tracks of the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railway Company would be by the use of the facilities of the Los Angeles and Salt Lake Railroad Company as an intermediate, or bridge carrier, between the Southern Pacific and Santa Fe rails. This bridge switching would require, if same were to be dependable and efficient, the maintenance of a switch engine and crew at Riverside and a division of revenue on all interline business handled together with local switching rates for cars interchanged or switched where no line haul was involved.

It fully appears from the evidence herein that the switching which would be required to be performed by the Los Angeles and Salt Lake Railroad in the bridging of traffic between the Southern Pacific Company and the Atchison, Topeka and Santa Fe Railway Company could not be satisfactorily performed unless a switch crew were assigned to such work, as a dependable service could not be relied upon if the work was to be undertaken by local freight trains.

The volume of intrastate business, present and prospective, as shown by the record herein, does not justify the expense of construction of an interchange track between the Southern Pacific Company and the line of the Atchison, Topeka and Santa Fe Railway Company.

Shippers, represented by complainant herein, should instruct consignors to route shipments with destination specifically noted as to the line upon which their industries or warehouses are located, and where no through intrastate commodity rates exist between carriers and a reasonable volume of business is anticipated, application for the establishment of joint commodity rates should be made to the carriers and if such rates are not established, the request is one that may be brought to the attention of the Commission by appropriate application.

From the evidence herein, and after full consideration thereof, we hereby conclude and find as a fact that the volume of intrastate business, as heretofore handled, and as anticipated, requiring interchange switching between the Southern Pacific Company and the Atchison,

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Topeka and Santa Fe Railway Company at Riverside does not justify the construction of a connecting track between the lines of the aforesaid railroads at an estimated expenditure of $6,100, nor the establishment by Los Angeles and Salt Lake Railroad Company of a switch engine and crew at Riverside for the handling of such bridge switching as may be necessary in the transfer of carload freight between the tracks of the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company.

In view of our determination upon the merits of this matter, it is unnecessary for us to discuss the questions raised in defendants' motion to dismiss for want of jurisdiction.

ORDER.

Public hearings having been held in the above entitled proceeding, evidence having been received, the matter having been duly submitted, the Commission being now fully advised, and basing its order on the conclusions and finding of fact as appearing in the opinion which precedes this order;

It is hereby ordered, that the complaint herein be and the same hereby is dismissed.

Dated at San Francisco, California, this first day of December, 1926.

DECISION No. 17696.

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION OF THE REASONABLENESS OF THE RATES, CHARGES, PRACTICES, CONTRACTS, RULES, REGULATIONS, SCHEDULES AND CONDITIONS OF SERVICE, OR ANY OF THEM, OF E. L. McCAPES, OPERATING A PUBLIC UTILITY WATER SYSTEM IN THE TOWN OF RAYMOND, MADERA COUNTY, CALIFORNIA.

Case No. 2277.

Decided December 2, 1926.

SERVICE—WATER UTILITY—ILLEGAL DISCONTINUANCE—CONTEMPT—PENALTY IMPOSED.—It being found that E. L. McCapes disconnected the service of a patron without legal warrant, and has wilfully disobeyed the order of the Commission to resume service to said consumer, defendant is found guilty of wilful contempt and a fine of $20 is imposed, subject to serving one day in the county jail at Madera for each $2 of said fine, if not paid in 10 days.

J. M. Emmert, for E. L. McCapes.

BY THE COMMISSION.

OPINION AND JUDGMENT.

On the nineteenth day of October, 1926, an affidavit was filed with the Railroad Commission by R. E. Savage. By this affidavit it was alleged that the above named E. L. McCapes was guilty of certain omissions in violation of and in disobedience of a certain order of the Railroad Commission, being Commission Decision No. 17408, which

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order was specifically referred to in the affidavit, and that said omissions were committed by E. L. McCapes in violation of law and in contempt of the Railroad Commission.

On the twentieth day of October, 1926, said E. L. McCapes was cited to appear before the Railroad Commission and show cause why he should not be punished for contempt for his disobedience of the order of the Railroad Commission as set forth in the affidavit of said R. E. Savage. On Wednesday the seventeenth day of November, 1926, a public hearing was held on said order to show cause. E. L. McCapes was present and was represented throughout this hearing by his attorney, J. M. Emmert.

Testimony and other evidence was offered and received both on behalf of said E. L. McCapes and in support of the allegations in the affidavit, and the matter was submitted.

After a careful review of the evidence herein, the Commission finds the following facts to be established:

(1) That on the first day of October, 1926, the Railroad Commission rendered its Decision No. 17408; that said decision, by its terms, became effective ten days from the date of its rendition; that in and as a part of said decision, the following order was made:

> *It is hereby ordered*, that within five (5) days from the effective date of this order, E. L. McCapes reconnect and resume domestic water service to the premises of T. M. Nicholas at the location heretofore served by him in the town of Raymond, Madera County, California; and that E. L. McCapes notify this Commission, in writing, within a period of five (5) days after the resumption of said service, of his compliance with this order.

That said order has never been revoked and is still in force and effect.

(2) That a copy of said Railroad Commission Decision No. 17408 was personally served on said E. L. McCapes on the fourth day of October, 1926, and that he had personal knowledge of the making of said order and the contents thereof at or about the time said order was made.

(3) That notwithstanding said order, the said E. L. McCapes has refused and failed and now refuses and fails to comply with the terms thereof; that said domestic water service has not been reconnected and resumed to the premises of T. M. Nicholas, and is not now reconnected and resumed.

(4) That the failure of said E. L. McCapes to reconnect and resume the domestic water service to the premises of said T. M. Nicholas was in violation of, and in disobedience of said Railroad Commission Decision No. 17408, and said omission was committed by said McCapes with full knowledge of the contents of said order and with the intention of violating said order.

(5) That at the time of the rendition of Railroad Commission Decision No. 17408, on the first day of October, 1926, said E. L. McCapes

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was able to comply with the requirements of said order set out in paragraph (1) above, and that he has been able at all times since said date to so comply and is now able to comply.

(6) That said failure of E. L. McCapes to comply with the requirements of Commission Decision No. 17408 has been committed in violation of law, and in contempt of the Railroad Commission.

(7) That said contempt on the part of E. L. McCapes was wilful, intentional and without lawful excuse.

In view of the foregoing findings of fact, we are of the opinion that E. L. McCapes should be punished for his said contempt of this Commission and its order. In view of the fact that the domestic public utility water system operated by said McCapes in a small one, serving but some fifteen consumers, and in view of the fact that the gross income from the system normally does not exceed $40 per month, the punishment imposed herein will be less severe than the facts of the case would otherwise warrant.

JUDGMENT.

An order to show cause having been issued by the Railroad Commission in this action on the twentieth day of October, 1926, wherein E. L. McCapes was directed to appear and show cause before the Railroad Commission why he should not be punished for contempt for his disobedience of the order of said Commission made in Decision No. 17408, and the said E. L. McCapes having appeared with counsel, and having been given full opportunity to purge himself of his alleged contempt;

It is hereby ordered and adjudged, that said E. L. McCapes has been guilty of a wilful contempt in disobeying the order made by the Railroad Commission of the State of California on the first day of October, 1926 (Railroad Commission Decision No. 17408), by failing and refusing to reestablish the public utility domestic water service to T. M. Nicholas, one of his consumers on his water system in the town of Raymond, Madera County, California;

It is hereby further ordered, adjudged and decreed, that for his contempt of the Railroad Commission as aforesaid, the said E. L. McCapes be punished by a fine of $20 to be paid by him to the secretary of the Railroad Commission of the State of California within ten days from the date hereof, and in default of payment thereof that he be committed to the county jail of the county of Madera, State of California, until such fine is paid at the rate of one day's imprisonment for each two dollars of said fine.

Dated at San Francisco, California, this second day of December, 1926.

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MISCELLANEOUS AND SUPPLEMENTAL ORDERS.

AUTO STAGE APPLICATIONS.

DISMISSALS.

GRADE CROSSINGS.

57—44855

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TABLE A—DISMISSALS (Cases).

Dec. No.	Case No.	Litigants	Date
16517	2181	In the matter of publication in Individual Tariffs of The Atchison, Topeka and Santa Fe Railway Company et al.	April 16, 1926
16518	2211	In the matter of the investigation upon Commission's own motion into season storage rates included in Federal Cold Storage Company Warehouse Tariff No. 1, C.R.C. No. 1	April 16, 1926
16650	2226	Southern Pacific Company vs. City of Burbank	May 4, 1926
16802	1836	Motor Transit Company vs. Murrietta Mineral Hot Springs Auto Stage Line	June 5, 1926
16803	2112	California Transit Company, Valley Transit Company and Joseph Miller vs. Pickwick Stages, Northern Division	June 5, 1926
16804	2227	Albers Brothers Milling Company vs. Great Western Power Company	June 5, 1926
16952	2216	H. M. Hutchinson vs. H. G. Ray (Ray Transfer)	June 17, 1926
17209	2163	Ross Forsyth vs. San Joaquin Light and Power Corporation and McCutchen-Chappell Company	Aug. 11, 1926
17329	2128	County of Humboldt vs. Northwestern Pacific Railroad Company	Sept. 8, 1926
17416	2252	Standard Felt Company vs. Pacific Electric Railway Company	Oct. 1, 1926
17511	1696	Wiley J. Gibson vs. Eugene Gretler	Oct. 21, 1926
17512	1697	Moore and Gibson vs. W. F. Sewell	Oct. 21, 1926
17537	2148	City of Redlands vs. Southern Pacific Company and Pacific Electric Railway Company	Oct. 26, 1926
17538	2259	The Atchison, Topeka and Santa Fe Railway Company vs. Reedley Telephone Company	Oct. 26, 1926
17564	2198	Harry S. Payne (Pacific Motor Express) vs. Pickwick Stages, Inc.	Oct. 29, 1926
17578	2255	Bay Cities Transportation Company vs. Consolidated Motor Freight Lines, Inc.	Nov. 6, 1926
17622	2223	Charles H. Quandt vs. William J. McNamara	Nov. 12, 1926

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TABLE B—DISMISSALS (Applications).

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
	8598	El Paso-Los Angeles Stage Line	To operate auto passenger and baggage service—Los Angeles and Blythe, en route to El Paso, Texas	April 9, 1926
16431	8611	Ray Walker and W. T. Whisler	To operate auto stage service—Los Angeles and Colorado River Ferry, at point four miles east of Blythe	April 9, 1926
	8930	Gonzales Stage Line	To operate passenger service—Los Angeles and points near Ehrenburg	April 9, 1926
16441	11638	Miller Fireproof Storage	To operate motor truck service over four named routes out of San Francisco	April 9, 1926
16442	11695	J. D. Weast	To extend auto freight service 50 miles from highways traversed by present service	April 9, 1926
16443	11832	Frank H. Stoehr	To operate auto freight service within radius of town of Escalon and between Escalon and Oakland and San Francisco	April 9, 1926
16444	11889	Riverside Transfer Company	To operate motor transfer service between Riverside and outside points	April 9, 1926
16445	11936	T. Jensen	To operate auto truck service within radius of 50 miles of Stockton	April 9, 1926
16446	11963	J. H. Wilson	To operate motor transfer service between Riverside and outside points	April 9, 1926
16480	11435	G. C. Wilson	To operate auto freight service in vicinity of Knights Landing, Yolo and Sutter counties	April 12, 1926
16481	12241	Loomis Brothers	To operate auto freight service within radius of 35 miles of Healdsburg	April 12, 1926
16482	11442	Hirschl and Freedman	To operate auto freight service in Stanislaus County and markets or depots in San Francisco and Oakland	April 12, 1926
16483	11720	Chester Franchini	To operate auto freight service within radius of 24 miles of Hollister	April 12, 1926
16484	12500	Southern Pacific Company	To construct spur track at grade across O'Neal Avenue and county road in vicinity of Belmont, San Mateo County	April 12, 1926
16500	11185	Overland Transfer Company	To operate auto truck service in counties of San Joaquin, Stanislaus and Sacramento	April 16, 1926
16501	11225	N. F. and C. W. Polfer	To operate auto truck service between points in county of San Joaquin and city of Stockton	April 16, 1926
16502	11283	Bart Dolman	To operate auto truck service in counties of San Joaquin, Stanislaus and Merced	April 16, 1926
16503	11285	May Transfer and Storage Company	To operate auto truck service between Modesto and ranches within radius of 50 miles thereof, and ranches within radius of 20 miles of Tarkey Station and rail points	April 16, 1926
16504	11308	A. C. and A. E. Fairfield	To operate auto truck service between points in counties of San Joaquin, Stanislaus and Merced	April 16, 1926
16505	11309	E. P. Small and George Jorgensen	To operate auto truck service between city of Stockton and points in counties of San Joaquin, Stanislaus, Calaveras and Alameda	April 16, 1926
16506	11310	M. Wright and E. A. Coakley	To operate auto truck service between city of Stockton and points in counties of Stanislaus and San Joaquin	April 16, 1926
16507	11311	James A. Fenno	To operate auto truck service between city of Stockton and points in counties of San Joaquin, Solano, Stanislaus and Contra Costa	April 16, 1926
16508	11312	A. T. McKinley	To operate auto truck service between points in counties of Stanislaus, San Joaquin and Merced	April 16, 1926
16509	11376	W. E. Ferguson, Jr.	To operate auto freight service, on call, between points in San Joaquin County and adjoining counties	April 16, 1926
16510	11392	G. M. Lyons	To operate auto truck service, on call, between points in San Joaquin County within radius of 50 miles from Stockton	April 16, 1926
16511	11394	T. J. Freitas	To operate auto truck service, on call, between points in San Joaquin County within raidus of 50 miles from city of Stockton	April 16, 1926
16512	11397	C. P. Johnson	To operate auto truck service, on call, between points in San Joaquin County within radius of 50 miles from Stockton	April 16, 1926

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16513	11492	E. W. Sullivan	To operate auto truck service in vicinity of Manteca	April 16, 1926
16514	11669	A. B. Hinkson	To operate auto truck service in vicinity of Manteca	April 16, 1926
16515	11696	Leslie T. Alward and A. H. Root	To extend service within radius of 50 miles of highways traversed	April 16, 1926
16516	11790	A. C. Prickett and C. J. White	To operate auto truck service between points in San Joaquin Valley and Oakland, San Francisco and Los Angeles and Watsonville and vicinity, etc.	April 16, 1926
16525	11282	Chas. Harris	To operate auto truck service in counties of San Joaquin, Stanislaus and Merced	April 17, 1926
16526	11284	Frank Roberts	To operate auto truck service in counties of San Joaquin, Stanislaus and Merced	April 17, 1926
16527	11286	E. J. Wickham	To operate auto truck service in counties of San Joaquin, Stanislaus and Merced	April 17, 1926
16528	11313	L. E. Schneider	To operate auto truck service in counties of Stanislaus, San Joaquin and Merced	April 17, 1926
16529	11314	E. E. Burt	To operate auto truck service in counties of Stanislaus, San Joaquin and Merced	April 17, 1926
16530	11315	Harry L. Rice and George M. Baylard	To operate auto truck service in counties of Stanislaus, San Joaquin and Merced	April 17, 1926
16531	11356	Ralph C. Edminster	To operate auto truck service for hauling cattle and live stock in counties of San Joaquin, Stanislaus and Merced	April 17, 1926
16532	11834	Henry L. C. Bertelsen	To operate auto freight service between points on call and Watsonville	April 17, 1926
16533	11927	C. A. Chambers	To operate auto freight service between Burbank and various points in southern California	April 17, 1926
16534	11972	O. Gross and F. Gross	To operate auto truck service between Los Angeles and four specified routes	April 17, 1926
16535	12055	S. C. Tompkins	To operate auto truck service locally between points in Imperial County; locally between points in Fresno County, and from ranches in vicinity of Turlock to Oakland, Berkeley and San Francisco	April 17, 1926
16538	11242	F. I. Lombra	To operate auto truck service within radius of 30 miles of Colton	April 21, 1926
16539	11852	C. M. Garrard	To operate auto truck service within radius of 25 miles of Cucamonga, also from Los Angeles to ranches in same territory above named	April 21, 1926
16549	11810	W. D. Thompson	To operate auto truck service between Riverside, Colton or San Bernardino, on the one hand, and Ontario, Pomona, Tustin, Santa Ana, Long Beach, Los Angeles and Los Angeles Harbor, on the other hand	April 23, 1926
16550	11859	A. C. and T. T. Dinsmore	To operate auto truck service in Ventura, Santa Barbara or San Luis Obispo counties	April 23, 1926
16551	11939	Clark H. Littrell	To operate auto dump truck service in Santa Barbara County	April 23, 1926
16552	12040	R. S. Coleman	To operate auto freight service between points in southern California	April 23, 1926
16556	11569	J. B. Wagner	To operate auto freight and express service between Watsonville and other places	April 23, 1926
16570	11914	A. R. Pearson	To operate auto freight service between Los Angeles and Santa Barbara, Lancaster, Redlands, Hemet, Elsinore, San Diego, Pacific Coast beach points and intermediate points	April 26, 1926
16586	11159	E. O. Henderson	To operate motor truck service—Walnut Grove, Locke, Courtland, Vorden, Ryde, Isleton and Rio Vista, etc.	April 26, 1926
16587	11262	Ford and Harry	To operate auto freight service within radius of 40 miles of Sacramento	April 26, 1926
16588	11263	L. W. McCall	To operate auto truck service between points in counties of Sacramento, Yolo, Solano, Sutter and San Joaquin	April 26, 1926
16589	11274	Philbrook W. Holmes	To operate auto truck service within radius of 30 miles of Sacramento	April 26, 1926
16590	11335	City Transfer Company	To operate auto truck service within radius of 35 miles of Watsonville	April 26, 1926
16591	11370	Floyd H. Anderson	To operate auto freight service in counties of Yolo, Colusa and Sutter in vicinity of Knights Landing	April 26, 1926
16592	11372	Wm. McDermott	To operate auto truck service in vicinity of Grafton and in counties of Yolo, Sutter and Colusa	April 26, 1926
16593	11373	Carey Louis La Due	To operate auto truck service in counties of Sutter, Yolo and Colusa in vicinity of Grafton	April 26, 1926
16594	11374	H. M. Cave	To operate auto truck service in county of Yolo, in vicinity of Woodland	April 26, 1926
16595	11405	Elwood Pierce and Bernell Pierce	To operate auto truck service in Grafton and within radius of 30 miles in counties of Yolo, Sutter and Colusa	April 26, 1926
16596	11371	R. B. Luther	To operate auto truck service in vicinity of Grafton and in counties of Sutter, Yolo and Colusa	April 26, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
16597	11409	C. Agard	To operate auto truck service in vicinity of Knights Landing and in counties of Yolo, Colusa and Sutter	April 26, 1926
16598	11410	R. B. Bailey	To operate auto freight service in vicinity of Knights Landing and in counties of Yolo, Colusa and Sutter	April 26, 1926
16599	11417	S. H. Matthew	To operate auto freight service in vicinity of Knights Landing and in counties of Yolo, Sutter and Colusa	April 26, 1926
16600	11437	Highway Transport Company	To operate auto truck line for transportation of fruits and vegetables between San Jose, San Francisco, Oakland, Alameda, Berkeley and intermediate points, etc.	April 26, 1926
16601	11446	C. H. Anderson and C. K. McIntyre	To operate general trucking service in Woodland, Yolo County, and within radius of 200 miles thereof	April 26, 1926
16602	11490	Leo Loverde	To operate auto truck service in Lisbon District, the Holland Land District and West Sacramento District, and in territory contiguous to Sacramento, Franklin Road and Hood City	April 26, 1926
16603	11747	The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company, et al.	To increase certain rates on cottonseed	April 26, 1926
16604	11958	Greemore Brothers Trucking Company	To operate auto freight service between Bakersfield and points within radius of 85 miles thereof	April 26, 1926
16605	12022	C. Bucholtz	To operate auto truck service between Los Angeles and various points in southern California	April 26, 1926
16607	11245	Proctor's Auto Express	To operate auto truck service between San Fernando and points as far north as Bakersfield, as far south as Hemet, as far east as Banning and as far west as Santa Barbara	May 3, 1926
16610	11898	B. D. Ryan (Ryan Truck Company)	To operate auto truck service within radius of 200 miles of Los Angeles	May 3, 1926
16626	11358	William H. Shinn	To operate auto truck service within radius of 15 miles of Lodi and from ranches near Youngstown to Stockton	May 3, 1926
16627	11359	John Kramer	To operate auto truck service within radius of 15 miles of Walnut Grove	May 3, 1926
16628	11451	Martin Brothers	To operate auto truck service in counties of San Mateo, Santa Clara, San Francisco, Contra Costa and Alameda	May 3, 1926
16629	11521	Hussey Brothers	To operate motor freight service between city of Vallejo and intermediate points	May 3, 1926
16630	11540	Misak D. Mardirosian	To operate auto truck service in Fresno County	May 3, 1926
16631	11574	Maurice H. Gifford (Lindsay Feed and Fuel Co.)	To operate auto truck service in counties of Tulare, Kern, Fresno and Kings	May 3, 1926
16632	11650	E. C. Merrill	To operate auto truck service within radius of 100 miles of town of Campbell, Santa Clara County	May 3, 1926
16633	12120	Bernard H. Heller	To operate auto truck service for transportation of hot asphaltum	May 3, 1926
16634	12170	Charles H. McCarty	To operate auto truck service between Los Angeles Harbor points and within radius of 150 miles thereof	May 3, 1926
16635	12205	Ernest Smith	To operate auto truck service between Los Angeles Harbor points and within radius of 150 miles thereof	May 3, 1926
16636	11786	Key System Transit Company	To operate express motor bus service between main business districts of cities of Oakland and Berkeley	May 3, 1926
16653	11176	Grover C. Baker	To operate general trucking service on call between Selma and points in San Joaquin Valley	May 4, 1926
16654	11276	R. E. O'Brien	To operate motor freight trucks, on call, in counties of San Joaquin, Stanislaus, Calaveras, Amador and Tuolumne	May 4, 1926

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16655	11943	J. C. Truesdale	To operate motor truck service between points in San Joaquin Valley and Oakland, San Francisco, Los Angeles and Watsonville, and between Dinuba and points within radius of 300 miles thereof	May 4, 1926
16656	11948	F. M. Hammack	To operate auto truck service between San Joaquin Valley points and Los Angeles, Oakland and San Francisco	May 4, 1926
16657	11950	Owl Transfer Company (Mrs. J. P. C. Jones, J. C. and Stanley Jones)	To operate auto truck service between Fresno and within radius of 300 miles thereof	May 4, 1926
16658	11944	Commercial Transfer Company (J. B. Lowery)	To operate auto truck service between Lindsay and within radius of 300 miles thereof	May 4, 1926
16659	11947	J. A. Adelsbach	To operate auto truck service between Visalia and points within radius of 300 miles thereof, etc.	May 4, 1926
16660	11949	Bert J. Anderson	To operate auto truck service between Visalia and points within radius of 300 miles	May 4, 1926
16661	11951	J. E. Buckley	To operate auto truck service between points in San Joaquin Valley and Los Angeles, Oakland and San Francisco	May 4, 1926
16662	11952	Savateer and Bright	To operate auto truck service between San Joaquin Valley points and Oakland, San Francisco and Los Angeles, also Reedley and radius of 300 miles	May 4, 1926
16663	12089	W. N. Trewhitt and H. H. Chambers	To operate auto truck service between San Joaquin Valley points and Oakland, San Francisco and Los Angeles, also Hanford and radius of 300 miles	May 4, 1926
16664	12090	O. S. Smith (Reedley Transfer Company)	To operate auto truck service between Reedley and points within radius of 300 miles, etc.	May 4, 1926
16665	12091	Frank E. Terrill	To operate auto truck service between Fresno and points within radius of 300 miles thereof	May 4, 1926
16666	12271	R. E. Whalley	To operate general transportation service in San Joaquin Valley	May 4, 1926
16671	11789	M. C. Thomas	To operate auto truck service between Ducor and points within radius of 300 miles thereof, etc.	May 5, 1926
16672	11791	John J. Peters	To operate auto truck service between Shafter and points within radius of 300 miles thereof, etc.	May 5, 1926
16673	11792	City Transfer Company (Randolph and Gillen)	To operate motor truck service between Dinuba and points within radius of 300 miles, etc.	May 5, 1926
16674	11793	Ben Works	To operate auto truck service between Sanger and points within radius of 300 miles thereof, etc.	May 5, 1926
16675	11795	Tony J. Gonsales	To operate auto truck service in San Joaquin Valley	May 5, 1926
16691	8929	Richards Trucking and Warehouse Company	To issue and sell stock	May 10, 1926
16692	10610	City of San Diego	To have value of certain property belonging to Cuyamaca Water Company, Ed. Fletcher and C. F. Stern, fixed	May 10, 1926
16694	12003	Hayden Transfer and Storage	To operate general trucking service within radius of 150 miles from city of San Diego	May 10, 1926
16695	12041	Cooper and Nelson	To operate motor truck service within county of San Diego	May 10, 1926
16696	12042	R. G. Fenn	To operate motor truck service within county of San Diego	May 10, 1926
16697	12043	C. L. Cutler	To operate auto truck service within radius of 150 miles of San Diego	May 10, 1926
16698	12057	San Diego Truck Company (Warren T., Gertrude and Jennie L. Chadwick)	To operate motor truck service within radius of 125 miles of San Diego	May 10, 1926
16699	12059	Brown and Allen Transfer	To operate motor truck service between points in San Diego County	May 10, 1926
16700	12060	L. W. Edis	To operate motor truck service within radius of 15 miles from La Mesa Heights, San Diego Township	May 10, 1926
16701	12072	F. C. Orndorff	To operate general motor transportation service within radius of 150 miles from city of San Diego	May 10, 1926
16702	12075	C. B. Heck	To operate motor truck service within radius of 150 miles of San Diego	May 10, 1926
16703	12076	C. F. Troutman	To operate motor truck service within radius of 150 miles of San Diego	May 10, 1926
16704	12097	Encinitas Trucking Company (E. O. Peugh)	To operate auto truck service within radius of 150 miles of Encinitas, San Diego County	May 10, 1926
16705	12250	Chula Vista Transfer (Lee Martin)	To operate auto truck service within radius of 15 miles from city of Chula Vista, San Diego County	May 10, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
16706	12251	Will T. Bowen, Jr.	To operate motor dump truck service within limits of San Diego County	May 10, 1926
16707	12257	E. B. Mattingly	To operate motor truck service within limits of San Diego County	May 10, 1926
16708	12265	A B C Truck Company (H. M. Hutchinson)	To operate motor truck service within limits of San Diego County	May 10, 1926
16709	12293	McClintock Storage Warehouse Company	To operate motor truck service within radius of 50 miles from San Diego	May 10, 1926
16718	11495	Joseph A. Ledbetter	To operate auto truck service on call between Sanger and points in San Joaquin Valley	May 12, 1926
16719	11497	M. S. Henderson	To operate motor truck service between points in San Joaquin Valley	May 12, 1926
16720	11679	Nathan Johnson	To operate auto fruit hauling service between Manteca termini and contiguous territory	May 12, 1926
16721	12571	California-Nevada Stages and California-Nevada Stages, Inc.	Former to sell to latter auto stage lines between Sacramento, California, and Reno, Nevada, and intermediate points, and latter to issue stock in payment therefor	May 12, 1926
16754	11085	Pacific Electric Railway Company and Los Angeles Grade Crossing Committee	For authority to close Stoneman avenue and certain other streets in county of Los Angeles	May 21, 1926
16774	5258	Pacific Gas and Electric Company	To have rates fixed for water furnished to consumers in applicant's Nevada Water District	May 25, 1926
16775	12659	Mae White, Administratrix of Estate of W. E. White, deceased, and Clyde Thomas	For W. E. White Water Company to execute mortgage on water system to secure loan	May 25, 1926
16791	12471	The Laguna and Belvedere Sanitary Company, Inc.	To operate garbage and rubbish service between territory in county of Los Angeles easterly of city of Los Angeles, and point northeast of Montebello	May 28, 1926
16792	12603	Alameda Belt Line	To construct, maintain and operate track across certain streets in city of Alameda	May 28, 1926
16805	11731	Consolidated Motor Freight Lines, Inc.	To operate auto freight service between San Francisco and Oakland, Berkeley, Alameda, Emeryville, Melrose, Albany and intermediate points	June 5, 1926
	11654	Consolidated Motor Freight Lines, Inc.	To operate auto freight service between San Francisco and Berkeley, via Berkeley Transportation Company	June 5, 1926
16806	11748	Wythe and Hoerler	To operate auto freight service in vicinity of Hollister	June 5, 1926
16807	11778	E. L. Berri	To operate auto freight service between Hollister and San Jose, Salinas, Watsonville and Los Banos, etc.	June 5, 1926
16808	11794	E. W. Flory	To operate auto truck service between points in San Joaquin Valley	June 5, 1926
16809	11805	The Adams Warehouse Company	To operate motor truck moving service between Modesto and points within radius of 200 miles thereof	June 5, 1926
16810	11808	H. J. Newkirk	To operate auto freight service between Hollister and San Jose, Salinas, Watsonville and Los Banos, etc.	June 5, 1926
16811	11839	Tolson Transportation System, Inc.	To operate auto truck service between Los Angeles, Los Angeles Harbor, Torrance and Watson, on the one hand, and various points in southern California, on the other hand	June 5, 1926
16812	11903	L. P. Sutcliffe and J. Griesbach	To operate auto passenger service between Stockton, Camp Seco and Mokelumne Dam Site	June 5, 1926
16813	11915	Walkup Drayage and Warehouse Company	To operate auto truck service between Oakland, Berkeley, Richmond, Alameda, San Jose, Modesto, Stockton, Salinas, etc., and between San Francisco and points within radius of 150 miles	June 5, 1926

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16814	11929	H. E. Frank and W. A. Kretz	To operate auto truck service within county of Imperial	June	5, 1926
16815	11930	C. O. Minshew and Raymond Minshew	To operate auto truck service for hauling farm products, etc., between points in Imperial County	June	5, 1926
16816	11931	R. E. Phillips	To operate auto truck service in county of Imperial	June	5, 1926
16817	11932	E. S. Grinnell	To operate auto truck service in county of Imperial	June	5, 1926
16818	11933	Ralph S. and Karl L. Engebretson	To operate auto truck service only within county of Imperial	June	5, 1926
16819	11934	Donald Hale	To operate auto truck service only within county of Imperial	June	5, 1926
16820	11935	D. E. Layman and C. V. Cromwell	To operate auto truck service only within county of Imperial	June	5, 1926
16821	11945	Ed Ashley	To operate auto truck service between points in San Joaquin Valley	June	5, 1926
16822	11946	R. M. Frans	To operate auto truck service between all points in San Joaquin Valley	June	5, 1926
16823	11965	Pioneer Transfer Company, Inc.	To operate auto truck service only within county of Imperial	June	5, 1926
16824	11966	J. W. Asher and M. J. Cassatt	To operate auto truck service only within county of Imperial	June	5, 1926
16825	12000	I. A. Van Scyoc	To operate auto truck service only within county of Imperial	June	5, 1926
16826	12046	Albert Clinton Fenton	To operate auto truck service in vicinity of Isleton, Sacramento County	June	5, 1926
16827	12117	Y. Kita	To operate auto truck service between Irvington, Alameda County, and territory within radius of 10 miles thereof	June	5, 1926
16828	12164	F. O. Payton	To operate auto truck service between Los Angeles and Los Angeles Harbor and various southern California oil fields, etc.	June	5, 1926
16829	12188	Albert Rogers and Brothers	To operate auto truck service between Holland Land District and Sacramento from Natomas District, etc.	June	5, 1926
16830	12276	Savage Draying Company	To operate auto truck service for transporting milk and cream between Leugenour, Woodland, Dixon, San Francisco, Berkeley and Oakland	June	5, 1926
16831	12279	Clark Brothers	To operate auto freight service between Santa Cruz and San Francisco and Oakland and San Jose and Mountain View for fruits and vegetables	June	5, 1926
16832	12290	Wm. Hill	To operate auto trucking service in vicinity of Courtland, Sacramento County	June	5, 1926
16833	12411	J. J. Smith	To operate auto express service between Los Banos, Oakland and San Francisco	June	5, 1926
16834	11210	V. B. Hammatt	To operate auto truck service between Merced District and Livingston District and Oakland and San Francisco	June	5, 1926
16835	11320	C. B. Lee	To operate auto freight service between Rio Linda and Sacramento, etc.	June	5, 1926
16836	11366	Daisy Popeney	To operate auto freight service between Del Rey and Fresno, Selma and Parlier	June	5, 1926
16837	11391	C. F. Henry	To operate auto truck service, on call, within radius of 50 miles of Stockton	June	5, 1926
16838	11393	E. Overgaard and E. Agesen	To operate auto truck service, on call, within radius of 50 miles of Stockton	June	5, 1926
16839	11396	Frank Farnham	To operate auto truck service, on call, within radius of 50 miles of Stockton	June	5, 1926
16840	11402	L. H. LeValley	To operate auto freight service between Ojai and Los Angeles and Ojai and Santa Barbara and intervening towns	June	5, 1926
16841	11421	John Belli	To operate auto freight service, on call, within radius of 50 miles of Stockton	June	5, 1926
16842	11484	Nolan Drayage and Warehouse Company	To operate auto freight service between Oakland, Alameda, Berkeley, Emeryville, Piedmont, Richmond, Albany and San Francisco	June	5, 1926
16843	11493	Root and Roberts	To operate auto truck service between Visalia and points within radius of 300 miles, etc.	June	5, 1926
16844	11494	Wilson I. Compton, Sr.	To operate auto truck service, on call, between city of Fresno and vicinity, and places within Fresno County and Merced and Tipton and intermediate places	June	5, 1926
16845	11496	G. Tashjian	To operate auto truck service, on call, between Reedley and vicinity and Los Angeles, San Francisco and Oakland	June	5, 1926
16846	11526	Ernest Jensen	To operate auto truck service between all points in San Joaquin Valley	June	5, 1926
16847	11527	L. E. Weldon (Clovis Dray and Ice Company)	To operate auto truck service between Clovis and points within radius of 300 miles thereof	June	5, 1926
16848	11606	James R. Moore	To operate auto truck service between Porterville and radius of 300 miles thereof, etc.	June	5, 1926
16849	11607	B. O. Thomas (Service Transfer Company)	To operate auto truck service between Fresno and points within radius of 300 miles thereof, etc.	June	5, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
16850	11608	Haslam and Hollingshead	To operate auto truck service between Fowler and vicinity and Los Angeles, San Francisco and Oakland	June 5, 1926
16851	11609	Tom Edgar and John Reid	To operate auto truck service for transporting household goods, etc., between Fresno and points within radius of 300 miles thereof; and green fruit and vegetables between Fresno and vicinity and Sacramento, Oakland, San Francisco, Stockton, San Jose, Los Angeles and Santa Cruz	June 5, 1926
16852	11610	Commercial Transfer (A. Gomes)	To operate auto truck service between Porterville and Los Angeles, San Francisco or Oakland, and points within radius of 300 miles	June 5, 1926
16853	11613	F. M. Lester and C. C. Lester	To operate auto truck service between Sanger and vicinity and Los Angeles, San Francisco and Oakland	June 5, 1926
16854	11614	General Transfer Company (A. Hurlbert, E. O. Hurlbert and V. G. Keyes)	To operate auto truck service between Fresno and points within radius of 300 miles thereof	June 5, 1926
16855	11615	Kelley Trucking Company	To operate auto truck service between Parlier and points within radius of 300 miles thereof, etc.	June 5, 1926
16856	11616	Exeter Dray and Transfer Company (H. J. Borgman)	To operate auto truck service between Exeter and points within radius of 300 miles thereof, etc.	June 5, 1926
16857	11617	R. H. Ramsey	To operate auto truck service between Fowler and points within radius of 300 miles thereof, etc.	June 5, 1926
16858	11618	Martin's Transfer	To operate auto truck service between Fresno and points within radius of 300 miles thereof, etc.	June 5, 1926
16859	11619	Bacon Service Corporation	To operate auto transportation service between all points in San Joaquin Valley	June 5, 1926
16860	11620	Roy Carter	To operate auto truck service between San Joaquin Valley and Oakland, San Francisco and Los Angeles, and between Ducor and points within radius of 300 miles thereof	June 5, 1926
16861	11621	Lindsay Transfer Company (R. S. McNeill)	To operate auto truck service between Lindsay and points within radius of 300 miles thereof, etc.	June 5, 1926
16862	11622	Luke Peak	To operate auto truck service between Porterville and points within radius of 300 miles thereof, etc.	June 5, 1926
16863	11623	George Kassapoan	To operate auto truck service between Fresno and points within radius of 300 miles thereof, etc.	June 5, 1926
16864	11688	Elbert Fariss	To operate auto passenger, baggage and express service between Marysville and Knights Landing, via Knights Landing Road	June 5, 1926
16872	11105	City of Oroville	To have Commission fix compensation to be paid by said city to Pacific Gas and Electric Company for electric distribution system	June 9, 1926
16881	3019	Pacific Electro Metals Company	To have Commission investigate rates, rules, and practices of Pacific Gas and Electric Company, Great Western Power Company and Sierra and San Francisco Power Company	June 10, 1926
16882	11779	Louis F. Sciochetti	To operate auto truck service for transporting farm products and farm neccesities between Hollister and points within radius of 20 miles thereof, and freight service between Hollister and San Jose, Salinas, Watsonville and Los Banos	June 10, 1926
16883	11780	J. F. Rose, Jr.	To operate auto freight service between Hollister and San Jose, Salinas, Watsonville and Los Banos, etc.	June 10, 1926

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16904	12410	The Western Pacific Railroad Company	To change commodity description of Item 2670-B, W. P. R. R. Tariff 36-F, C.R.C. No. 257	June 12, 1926
16919	12287	Wallace V. Conley	To operate auto truck service between El Centro and points within radius of 30 miles thereof	June 14, 1926
16920	11280	Senf Draying Company	To operate auto truck service between points in counties of Sacramento, Sutter and Yolo counties	June 14, 1926
16921	11306	T. B. White	To operate auto truck service within county of Imperial	June 14, 1926
16922	11542	E. N. D. Hatch	To operate auto truck service within county of Imperial	June 14, 1926
16923	11544	Geo. A. Lonholdt	To operate auto truck service within county of Imperial	June 14, 1926
16924	11545	E. F. Scheiner	To operate auto truck service within county of Imperial	June 14, 1926
16925	11546	Ed Royce	To operate auto truck service within county of Imperial	June 14, 1926
16926	11547	Leonard L. Hurd	To operate auto truck service within county of Imperial	June 14, 1926
16927	11556	Motor Transit Company	To extend stage service to include various intermediate points south of Santa Ana on its line between Los Angeles and San Diego	June 14, 1926
16928	11738	J. O. Bray	To operate auto truck service between Fresno and points in Fresno County	June 14, 1926
16929	11750	D. D. Stafford and Percie C. Thacker	To operate auto truck service in Imperial Valley	June 14, 1926
16930	11763	Geo. H. Johnson	To operate auto truck service within county of Imperial	June 14, 1926
16931	11782	J. H. Bailey	To operate auto truck service within Imperial County, in vicinity of Calipatria, Westmoreland, El Centro, Holtville and Calexico	June 14, 1926
16932	11783	Wm. H. Burton	To operate auto truck service within county of Imperial	June 14, 1926
16933	11980	A. C. Inwood and Thos. B. Stewart	To operate auto truck service within county of Imperial	June 14, 1926
16934	11982	W. H. Powelson	To operate auto truck service within Imperial County, in vicinity of Calipatria, Westmoreland, El Centro, Holtville and Calexico, etc.	June 14, 1926
16935	12088	Williams and Ensign	To operate auto truck service between Dinuba and points within radius of 300 miles thereof	June 14, 1926
16936	12161	Burnie Avrit	To operate auto truck service in Imperial County	June 14, 1926
16937	12162	E. B. Allen and A. C. Garner	To operate auto truck service in Imperial County	June 14, 1926
16938	12163	Thos. J. Vermillion, Arthur C. Phillips and Samuel C. Booth	To operate auto truck service in Imperial County	June 14, 1926
16939	12219	L. A. Woodward and C. W. Cato	To operate auto truck service between Los Angeles and points within radius of 110 miles thereof	June 14, 1926
16940	12245	Carl F. Spalinger	To operate motor freight service in county of Kern	June 14, 1926
16941	12253	Chas. Eng	To operate auto truck service between various motion picture studios at Los Angeles and Hollywood and any point in California	June 14, 1926
16942	12288	Conda R. Courtney	To operate auto truck service within county of Imperial	June 14, 1926
16961	11611	Valley Van and Storage Company	To operate auto truck service within radius of 300 miles of Fresno, etc.	June 19, 1926
16975	11942	Brown Brothers Transfer Company	To operate motor freight service on call only between Santa Barbara, Fresno and Calexico, San Diego and intermediate points, etc.	June 19, 1926
16976	11612	W. R. Holmes	To operate auto truck service within radius of 300 miles of Fresno, etc.	June 19, 1926
16977	12561	D. B. Maurice and Frank Atkinson	To extend auto stage service	June 19, 1926
16978	12674	D. B. Maurice and Frank Atkinson	To extend auto stage service	June 19, 1926
16979	12815	Carl H. Patton	To operate auto truck service for clay products between Santa Monica and various points in southern California	June 19, 1926
16983	12146	Lewis A. Monroe, Agent for City Transfer and Storage Company, et al.	For permission to adjust freight rates	June 21, 1926
17013	10096	Edward P. Reed	To operate water system in town of Pico, Los Angeles County	June 25, 1926
17014	11900	S. and C. A. Lopez	To operate auto truck service between Vernon and various points in southern California	June 25, 1926
17015	12262	William H. Hall and Richard C. Hall	To operate auto truck service between Helendale and points within radius of 200 miles	June 25, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
17025	11517	Clarence Smith	To operate auto freight service in Alameda, Santa Clara counties, etc.	June 28, 1926
17026	11561	F. F. Irey and C. O. Holden (City Transfer Company)	To operate motor freight service between points in San Joaquin County, etc.	June 28, 1926
17027	11775	W. H. Cordes and William Seimas (S and L Trucking Company)	To operate motor freight service between Mountain View and vicinity, and San Francisco, and between Mountain View and vicinity and San Jose	June 28, 1926
17053	11390	William A. Sale and Jesse R. Ruggles (Winters Dray Line)	To operate auto truck service between Winters and points in vicinity thereof	July 2, 1926
17054	11538	A. J. Cook Transfer	To operate auto truck service between points in San Joaquin County and adjoining counties	July 2, 1926
17056	11858	Erbe Truck Company	To operate auto truck service between yard of Pacific Readicut Homes Company, Los Angeles, and various points in southern California	July 2, 1926
17057	11960	R. J. O'Connell	To operate motor dump truck service between San Francisco, San Jose, Santa Rosa, Martinez, Tracy and intermediate points	July 2, 1926
17058	11983	Albert Parker	To operate auto truck service between Los Angeles and San Gabriel and points within radius of 60 miles thereof	July 2, 1926
17059	12153	W. L. Vandiver	To operate auto truck service between Corona and various points in southern California within radius of 60 miles thereof	July 2, 1926
17061	11876	C. A. Cottrell	To operate auto truck service between Downey and various points in California	July 2, 1926
17076	11334	Montecito Van and Storage Company	To operate motor truck service between Santa Barbara to Carpenteria Valley, and between Santa Barbara to Goleta Valley	July 3, 1926
17077	12460	G. R. Heath	To operate auto truck service between Berkeley and intermediate points, Oakland, and dairies located south of San Lorenzo and north of Mission San Jose	July 3, 1926
17090	12105	F. M. Brook	To operate auto truck service between Glendale and points within radius of 150 miles thereof	July 6, 1926
17091	12173	Hill Brothers Van and Storage Company	To operate auto truck service between Los Angeles and points within radius of 150 miles thereof	July 6, 1926
17092	12231	Long Beach Transfer and Warehouse Company	To operate auto truck service between Long Beach and points within radius of 150 miles thereof	July 6, 1926
17093	12233	Wilshire Fireproof Storage Company	To operate auto truck service between Los Angeles and points within radius of 75 miles thereof	July 6, 1926
17094	12235	California Fireproof Storage Company	To operate auto truck service between Los Angeles and points within radius of 150 miles thereof	July 6, 1926
17095	12236	Lyon Fireproof Storage Company	To operate auto truck service between Los Angeles and points within radius of 150 miles thereof	July 6, 1926
17096	12327	Alhambra Transfer and Storage Company, Inc.	To operate auto truck service between Alhambra and points within radius of 150 miles thereof	July 6, 1926
17100	10713	George P. Haywood	To operate auto truck service between Ferndale and Eureka	July 12, 1926
17101	12296	Joe Truelove	To operate auto freight service between Culver City and Los Angeles	July 12, 1926
17102	12981	Southern California Gas Company	For order declaring that Los Angeles Gas and Electric Corporation has no right to natural gas or natural gas service from Southern California Gas Company after June 30, 1926	July 12, 1926
17127	11330	L. K. Peterson	To operate auto truck service within radius of 100 miles of town of Hayward, Alameda County	July 17, 1926

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17128	11962	Herman C. Volpp	To operate auto freight service between Los Angeles and various points in southern California	July 17, 1926
17129	12070	Paul M. Fields	To operate auto freight service between Huntington Park and various points in southern California	July 17, 1926
17130	12103	Foot's Transfer and Storage Company	To operate auto truck service between San Pedro and points within radius of 60 miles thereof, also to San Diego	July 17, 1926
17131	12106	R. A. Stine	To operate auto truck service between Pomona and points within radius of 150 miles thereof	July 17, 1926
17132	12631	Wm. H. Drain	To operate auto truck service between Crescent City and Eureka and between Crescent City and Windchuck River	July 17, 1926
17161	11605	R. O. Somner (Commercial Transfer)	To operate auto truck service between points in San Joaquin Valley and Oakland, San Francisco and Los Angeles; also between Fresno and Oakland and San Francisco; also hauling beer in cases and barrels and empties back between Fresno and Los Angeles	July 27, 1926
17162	11897	Oscar T. Addington	To operate auto truck service between Riverside, Colton, San Bernardino and Los Angeles, San Pedro and Wilmington	July 27, 1926
17163	12908	E. N. Warren	To operate auto freight service between Los Angeles and points in southern California	July 27, 1926
17186	11433	Lee Louis Martell	To operate auto truck service between points in county of Stanislaus and Oakland, Alameda County, and city and county of San Francisco	Aug. 2, 1926
17187	11485	Dawson's Fireproof Storage	To operate auto freight service between city of Stockton and various points in California	Aug. 2, 1926
17188	12071	Placentia Trucking Company	To operate auto freight service between Placentia and San Pedro, Long Beach, Wilmington, Los Angeles, Compton, Downey, Gardena, etc.	Aug. 2, 1926
17189	12224	R. C. DeArmond	To operate auto express and freight service between Salinas and vicinity and San Francisco, Oakland, Santa Cruz, Carmel Valley and intermediate points	Aug. 2, 1926
17190	12242	J. A. White	To operate auto freight service between Oakland and Sacramento	Aug. 2, 1926
17192	11487	Joe Mangini Draying Company	To operate auto freight service between San Francisco and east bay cities, and San Francisco and Colma and Colma and San Francisco	Aug. 5, 1926
17193	11916	Bert Tillitt	To operate auto freight service between town of Highland, San Bernardino County, Fillmore, Fullerton and Los Angeles, and points in Tulare, Kern, Riverside, Los Angeles, Orange, San Diego, Imperial, Ventura counties	Aug. 5, 1926
17194	11964	Carl Ingalls (Commercial Transfer Company)	To operate auto freight service between various points in California	Aug. 5, 1926
17195	12152	Lester L. Berry	To operate auto truck service within radius of 50 miles from Niles and Livermore, Alameda County	Aug. 5, 1926
17196	12294	Fred Hare	To operate auto truck service between various points in California	Aug. 5, 1926
17199	9330	F. F. Corrington	To operate auto truck service between Riverside, Hemet, Highgrove, Los Angeles, Wilmington and San Pedro	Aug. 10, 1926
17217	11183	J. D. Maynard and J. W. Maynard	To operate auto truck service between San Juan and Oakland via San Jose, and San Juan and San Francisco via San Jose and Los Gatos, Campbell and Sunnyvale and intermediate points	Aug. 13, 1926
17218	11912	J. A. Preciado	To operate auto truck service between ranches in Riverside and San Bernardino counties and rail line depots	Aug. 13, 1926
17221	11395	Dennis P. Loran	To operate motor truck service between points in San Joaquin County within radius of 50 miles of Stockton	Aug. 17, 1926
17222	11398	G. W. Stout	To operate motor freight service in San Joaquin County within radius of 50 miles of Stockton	Aug. 17, 1926
17223	11399	M. M. Gil	To operate auto truck service in San Joaquin County within radius of 50 miles of Stockton	Aug. 17, 1926
17224	11422	Joe Orsolini	To operate auto truck service within radius of 50 miles of Stockton	Aug. 17, 1926
17225	11464	H. J. Armbrust	To operate auto truck service within radius of 50 miles of Stockton	Aug. 17, 1926
17226	11489	J. E. Cole	To operate auto truck service within radius of 50 miles of Stockton	Aug. 17, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

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17247	11564	W. E. and A. S. Russell	To operate auto truck service in San Joaquin County and adjoining counties	Aug. 18, 1926
17258	12095	Placentia Truck and Transfer Company	To operate auto freight service between Placentia and San Pedro, Long Beach, Wilmington, Los Angeles, Compton, Downey, Gardena, and farming district in and around Placentia	Aug. 23, 1926
17259	11981	J. L. Updyke and Sons	To operate auto freight service between Fullerton and points named	Aug. 23, 1926
17260	12572	Nathan Olson	To operate auto freight service between Kelseyville, Big Valley and Scotts Valley, and Hopland, Ukiah, Healdsburg, Calistoga and Lower Lake; and between Willits and Kelseyville, Big Valley and Lower Lake	Aug. 23, 1926
17261	10072	Shields Truck Company, Inc.	To operate auto truck service in counties of San Luis Obispo, Fresno, Inyo, etc.	Aug. 26, 1926
17262	10983	C. L. Armstrong	To operate auto truck service between Los Angeles Harbor and Huntington Park, on one hand, and Hueneme, Oxnard, Ventura, El Rio, Santa Paula, Somis and Moor Park, on the other hand	Aug. 26, 1926
17263	11208	T. Federighi	To operate auto trucking service between farms in vicinity of Half Moon Bay, Granada, Moss Beach, Montara and San Pedro, in San Mateo County, to San Francisco	Aug. 26, 1926
17264	11302	D. H. Rowland	To operate auto trucking service between Bakersfield and Merced	Aug. 26, 1926
17265	11403	George E. Buckley	To operate auto truck service between Walnut Grove, Hood, Courtland, Sacramento, Lodi, and various farms in that vicinity	Aug. 26, 1926
17266	12628	George Wiegand and William Wiegand	To operate auto milk hauling service between San Jacinto and Los Angeles	Aug. 26, 1926
17267	12739	Birdie M. Macy	To operate auto truck service between Pasadena and various points in southern California	Aug. 26, 1926
17268	12176	S. Noda	To operate auto freight service between San Luis Obispo and Los Angeles, and San Luis Obispo and San Francisco	Aug. 26, 1926
17269	11954	R. C. Crow	To operate auto truck service between Lost Hills and points within radius of 75 miles	Aug. 26, 1926
17270	11890	H. A. Smith	To operate auto truck service between Los Angeles, Cudahy, Los Nietos, on the one hand, and Bassett, Pomona, Ontario, Riverside, Colton, San Bernardino and Redlands and intermediate points, on other hand	Aug. 26, 1926
17271	11587	Frank Demarco	To operate auto freight service	Aug. 26, 1926
17272	11570	Wilbur L. Salmon	To operate auto freight service between points within radius of 50 miles of Stockton	Aug. 26, 1926
17273	11459	Kiso Yasunaga	To operate auto truck service between San Jose and San Francisco	Aug. 26, 1926
17293	12994	The Western Pacific Railroad Company	To construct spur track at grade across Forty-third Avenue in city of Oakland	Aug. 27, 1926
17294	12710	Orange County Fast Freight Line (William H. McGann and H. J. Morgan)	To sell and G. M. Duntley to purchase an auto freight line operated between Los Angeles and Fullerton, Anaheim, Orange and intermediate points	Aug. 30, 1926
17299	11016	Buchheim Water Company	For order preliminary to issuance of certificate	Aug. 30, 1926
17300	11389	J. T. Crothers	To operate auto freight service between Turlock, Modesto and Ceres, and within 4 mile radius of same, and Oakland and San Francisco, during fruit season of each year	Sept. 2, 1926
17301	11818	W. E. Hibbitt, T. C. and A. J. Hocking (Lawrence Warehouse and Distributing Company)	To operate auto truck line for transporting household goods, etc., between points in California	Sept. 2, 1926
17302	12499	Ernest F. Zanetta	To operate auto truck service between Monterey and San Francisco	Sept. 2, 1926
17328	11338	Samuel Murasky	To operate auto truck line between Oakville and San Francisco	Sept. 8, 1926

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17355	4428	City of Oakland	For valuation of property of San Francisco-Oakland Terminal Railways	Sept. 20, 1926
	4570	City of Alameda		
17371	12030	A. J. Arnaudon	To increase water rates at Mendota	Sept. 21, 1926
17372	12132	Thor Kofod	To operate auto truck line between Rio Vista and San Francisco, Oakland and intermediate points	Sept. 21, 1926
17379	11265	T. J. Black	To operate auto truck service between Bakersfield and Merced and intermediate points	Sept. 21, 1926
17380	11273	E. L. Askin, F. N. Ogilvie and W. J. Ogilvie	To operate auto truck service between Bakersfield and Merced and intermediate points	Sept. 21, 1926
17381	11304	George A. Bigard	To operate auto truck service between Bakersfield and Merced and intermediate points	Sept. 21, 1926
17397	12629	Southern Pacific Company	To construct spur tracks at grade across portion of Harrison and Division Streets and across 16th and 17th Streets in city and county of San Francisco	Sept. 25, 1926
17398	11388	Common Carriers by Railroad	To increase revenues	Sept. 25, 1926
17413	11864	J. S. Toler	To operate auto freight service between Saticoy and Ojai, Ventura, Santa Paula, Fillmore, Piru, Bardsdale, Oxnard, Hueneme, Camarillo, El Rio, Moorpark, Somis, Simi and Santa Susana in Ventura County	Oct. 1, 1926
17414	12809	Southern Pacific Company	To abandon non-agency station at Washington, Yolo County	Oct. 1, 1926
17415	12008	Clarence Donald Woolsey	To operate auto freight service between points in county of Ventura	Oct. 1, 1926
17425	11988	J. M. Buckley	To operate auto truck service between Walnut Grove, Hood, Courtland, Sacramento, Lodi and from various farms in that vicinity	Oct. 5, 1926
17426	11567	Rudolph Bagdons	To operate auto freight service between points in counties of Santa Barbara and San Luis Obispo	Oct. 5, 1926
17430	11754	George Avellar	To operate auto truck service between points in Sonoma County and Okland and San Francisco	Oct. 5, 1926
17438	10967	Lewis and Lindner Truck Company	To operate auto freight service between San Diego and eastern boundary of California	Oct. 5, 1926
17447	11828	J. D. Ross (Vermont Truck and Transfer)	To operate auto truck service between Los Angeles and Los Angeles Harbor and various points in southern California	Oct. 11, 1926
17462	11321	City Transfer Company of Redlands	To operate auto freight service between Oak Glen, Yucaipa, Beaumont, Banning and adjacent territory, on the one hand, and Redlands, San Bernardino, Riverside, Ontario, etc., on the other hand	Oct. 13, 1926
17463	12335	Sam M. Ostrow	To operate auto express service between Los Angeles and surrounding towns	Oct. 13, 1926
17479	11242	F. I. Lombra	To operate auto truck service between Colton and various points in southern California	Oct. 13, 1926
17491	12898	Ben J. Byles	To operate auto passenger and package service between Coalinga, Fresno County, and King City, Monterey County	Oct. 16, 1926
17492	13033	Oscar L. Notley	To supply power to certain territory in Humboldt County	Oct. 16, 1926
17493	11260	Glenn C. Bullock	To operate auto truck service between Los Angeles and Burbank	Oct. 16, 1926
17494	11457	Ventura Transfer and Storage Company (Al Melton)	To operate general transfer business between county of Ventura and counties of Kern, San Luis Obispo, Santa Barbara, Los Angeles, Orange, Riverside, San Bernardino and San Diego	Oct. 16, 1926
17495	12336	R. T. and Wm. Branstetter	To operate auto truck service between Southwestern Brick Company, Long Beach, and points within radius of 30 miles	Oct. 16, 1926
17499	12536	Millard B. Ogle	To operate auto truck service between Santa Rosa and Cloverdale and between Petaluma and Cloverdale, etc.	Oct. 18, 1926
17524	12061	A. M. Griggs	To operate auto truck service between Los Angeles and Santa Barbara, and between Santa Barbara and Oakland and intermediate points	Oct. 25, 1926
17525	12351	Robert E. Griffith	To operate auto truck service in vicinity of Stockton	Oct. 25, 1926
17536	12909	Palo Verde and Imperial Valley Stages	To operate auto passenger and express service between Blythe and El Centro via Niland	Oct. 26, 1926
17561	9176	General Grant Park Telephone Company	To issue and sell stock	Oct. 29, 1926

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TABLE B—DISMISSALS (Applications)—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
17562	12332	Wayne Mabry	To operate auto freight service in Yorba Linda District, Orange County	Oct. 29, 1926
17563	12598	R. H. Tamisier	To operate auto truck service between Loomis and Newcastle and between Penryn and Lincoln	Oct. 29, 1926
17576	11462	S. R. Maynard	To operate auto truck service between Santa Clara and various points in San Francisco Bay region and Santa Clara County	Nov. 5, 1926
17577	12037	Harry S. Payne	To operate auto truck service between certain points in Southern California	Nov. 5, 1926
17601	10135	Death Valley Railroad Company	To discontinue service as common carrier	Nov. 10, 1926
17618	11849	Jerry Lyon Truck Company	To operate motor truck service between San Pedro and Wilmington, on the one hand, and certain points in southern California, on the other hand	Nov. 12, 1926
17619	11412	Valley Truck and Transfer Company	To operate auto truck service between Van Nuys and adjacent territory	Nov. 12, 1926
17620	11924	C. E. Essley Trucking Company	To operate auto freight service between Santa Fe Springs and Whittier and adjacent territory	Nov. 12, 1926
17621	11955	A. B. Watson (Crown Stage Lines)	To operate motor truck service in Orange County	Nov. 12, 1926
17629	11091	Ernest T. Brooks	To operate auto freight service between Los Angeles Harbor points and Imperial Valley points	Nov. 16, 1926
17633	11667	La France Truck Company	To operate auto freight service between Los Angeles and Colton	Nov. 18, 1926
17635	11899	E. D. Arnett	To operate auto truck service between Chino District and Pomona, Covina, Claremont, Upland, San Bernardino, Redlands, Highgrove, Riverside, Corona, and intermediate points	Nov. 18, 1926
17636	12198	S. W. Nelson	To operate auto freight service between Los Angeles and Alberhill and Santa Barbara, Lancaster, Victorville, Banning, Oceanside, etc.	Nov. 18, 1926
17651	11552	Hoffman Brothers	To operate auto express service between Castroville, Springfield and Carmel Valley and San Francisco and Oakland	Nov. 18, 1926
17683	9032	El Centro Stage Company	To operate auto stage service between Fort Yuma and El Centro	Nov. 29, 1926
17684	9133	Raymond F. Kamp	To operate auto stage service between Mojave and Lone Pine	Nov. 29, 1926
17685	10556	Imperial and International Transport Company	To operate auto truck service between points in Imperial Valley and Los Angeles, Wilmington and San Pedro	Nov. 29, 1926
17686	10853	W. L. Thompson	To operate auto stage service from Los Angeles to San Francisco and points in Imperial Valley, etc.	Nov. 29, 1926
17687	13244	Southern Pacific Company	To construct spur track across Quince Street, city of Oakland	Nov. 29, 1926
17693	12478	Tehachapi Transportation Company	To issue stock	Dec. 1, 1926

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TABLE C—AUTO STAGE APPLICATIONS.

Dec. No.	App. No.	Applicant	Nature of proceeding	Action	Date
	11516	Lee J. Stoddard	To operate auto truck service between Kelseyville and Hopland	Granted	April 9, 1926
16449	11523	M. W. and L. R. Prather	To operate auto truck service between Kelseyville and Hopland, and between Lakeport and Ukiah	Granted	April 9, 1926
	11524	A. F. Stephens	To operate auto truck service between Kelseyville and Hopland	Granted	April 9, 1926
16452	12509	Peter Williamson	To operate auto freight and express service—Los Angeles, Pasadena, South Pasadena, Alhambra, Montrose and Tujunga	Granted	April 9, 1926
16454	12690	N. A. Webb and F. S. Hendricks	To sell and T. C. Gillespie to purchase auto passenger and express line between Pasadena and Switzer's Relay	Granted	April 9, 1926
16455	12691	N. A. Webb and F. S. Hendricks	To sell and T. C. Gillespie to purchase auto passenger, freight and express line—Los Angeles and Pasadena, and Mt. Wilson, known as Mt. Wilson Stage Line	Granted	April 9, 1926
16465	9693	Valley Transit Company	To re-route service between Fresno and Bakersfield in order that certain stages might divert from state highway at Plaza Garage and be routed via Visalia and Tulare	Dismissed	April 12, 1926
16466	11708	Plen Mathews and Fred Sutherland	Former to sell to latter operative rights between Coronado City and Imperial Beach, and latter to extend said service to Tijuana, California, and link said rights between Coronado City and Tijuana with present service between San Diego and Tijuana, San Diego and Aztec City and San Diego and Chula Vista	Granted	April 12, 1926
16467	11937	W. O. Masters	To operate motor freight service for wraps for citrus fruits solely between Los Angeles and Puente, San Dimas, Covina, Azusa, Azusa Avenue, Glendora, La Verne, Claremont, Cucamonga, Duarte, Pomona, North Pomona, Upland, Ontario, Prenda, Rialto, Arlington, Riverside, etc.	Granted	April 12, 1926
16468	12005	M. L. Bonillas	To operate auto truck service from Cucamonga and Alta Loma to Los Angeles	Granted	April 12, 1926
16470	12684	William F. Boehlert and Tolson Transportation System, Inc.	Former to sell to latter auto freight line between Los Angeles and Gardena	Granted	April 12, 1926
16491	11174	J. E. Garcia	To operate auto truck line for transporting fruits and vegetables only between Oakland and San Francisco as extension of present service between East San Jose and Oakland	Granted	April 16, 1926
16493	12038	Glenn W. Barnes	To operate auto passenger service between intersection of Lorena Street and Whittier Boulevard, Los Angeles, and intersection of Fifty-fourth Street and Cudahy Avenue in city of Maywood	Granted	April 16, 1926
16494	12243	G. H. Cox	To operate auto passenger, freight, express and baggage service—Eureka and Bridgeville, serving also Freshwater, Kneeland, Lawrence Creek, Mullens, Iaqua, Lone Star and Yager	Granted	April 16, 1926
16495	12325	J. B. Stimson, Chas. B. Holbrook and V. H. Shuler	To operate auto stage line over specified route in county of Los Angeles	Granted	April 16, 1926
16519	12045	F. W. Reiche	To operate motor truck service—Corona and Wilmington and Los Angeles harbor district, and Arlington, Corona and Los Angeles	Denied	April 17, 1926
16520	12367	B. F. Morris and Milton Fisher	To operate auto truck service for transportation of asparagus from Libby's Canal Ranch in San Joaquin County to canneries of Libby, McNeill and Libby, at Lock, Ryde and Isleton	Granted	April 17, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Action	Date
16521	12498	Tony Rampone	To operate auto truck service as common carrier of asparagus between Sherman Island and Oakland and San Francisco	Granted	April 17, 1926
16537	12203	Megugorac and Perich	To operate auto truck service for transportation of clay products between Santa Monica and points within radius of 150 miles thereof	Granted	April 21, 1926
16540	12289	B. N. Tucker (Pioneer Transfer)	To operate auto freight service for transporting packed citrus fruits only from Corona to Los Angeles, and lumber, lime, plaster, wallboard, sulphur, chalk, sulphuric acid and muriatic acid only from Los Angeles to Corona	Granted	April 21, 1926
16541	12482	J. N. Anderson	To operate auto freight and special messenger film service between Long Beach, Wilmington, San Pedro, Lomita, Torrance, Compton, Gardena, Lynwood, Home Gardens and Huntington Park, and Los Angeles and intermediate points	Granted	April 21, 1926
16543	12757	George P. Miller	To operate auto passenger and freight service between Placerville and Grizzly Flats and intermediate points of Pleasant Valley, Young's, and Cole's	Granted	April 21, 1926
16546	12069	Marin Ramsey	To operate auto truck service for transportation of lumber and building materials only between Los Angeles and Vernon, and Santa Barbara, Bakersfield, Mojave, Victorville, Banning, etc.	Granted	April 23, 1926
16547	12740	Motor Service Express	To extend service to Mecca and Oasis from present service between Los Angeles and Mecca	Granted	April 23, 1926
16554	12736	A. G. Fruits (Tres Pinos, New Idria Stage Line)	To operate auto freight service between Tres Pinos and Idria and intermediate points of Paicines, Emmett, Summit, Llanada and Vallecitos	Granted	April 23, 1926
16555	12745	Pauly and Stinchfield, and O. N. Pauly and J. E. Grace	To sell and transfer to Mt. Lassen Transit Company operating rights for auto service between Oroville, Swaynes Camp and Buck's Ranch and intermediate points	Granted	April 23, 1926
16559	11355	E. G. Moss	To operate auto truck service between Pomona and various points in southern California	Granted	April 26, 1926
16560	11599	Clarence and George Sanderson (Service Truck Company)	To operate motor truck service, on demand, between Loomis, Penryn and Newcastle and intermediate points, etc.	Granted	April 26, 1926
16562	12177	R. G. Chase	To operate auto truck service for transporting refined oil, lumber, plaster, plasterboard and builders' hardware between Los Angeles and Los Angeles Harbor district, and Oceanside and Carlsbad; refined oil between Hynes and Oceanside and Carlsbad, and between Huntington Beach and Oceanside and Carlsbad, etc.	Granted	April 26, 1926
16563	12210	John R. Weir	To operate auto freight service between Belvedere and Los Angeles, and baggage between Belvedere and any depot at Los Angeles	Granted	April 26, 1926
16569	10612	City Transit, Inc.	To operate auto passenger service between Pomona and Claremont and intermediate points in Los Angeles County	Denied	April 26, 1926
16571	11025	D. I. Stewart	To operate auto truck service between Los Angeles and Los Angeles Harbor district, and Colton, San Bernardino, Redlands, East Highland, Beaumont and Palm Springs	Denied	April 26, 1926

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16582	11443	Milton Bailey	To operate auto passenger, freight and express service between San Diego and Palomar Postoffice via El Cajon, Ramona, SantaYsabel and Morettis	Granted	April 26, 1926
16616	12720	Lake Tahoe Railway and Transportation Company and Tahoe Transportation Company	Former to sell to latter operating rights for auto stage service between Tahoe City and Pomins; and Tahoe Tavern and Brockway	Granted	May 3, 1926
16640	12726	Adda B. McCullough and San Antonio Transfer Company	Former to transfer to latter operating right for an auto stage service between Upland and Camp Baldy and Manker Flats	Granted	May 4, 1926
16676	11129	Carl Ingalls	To operate auto truck line for transporting theatrical scenery and theatrical baggage between Bakersfield and Taft	Granted	May 10, 1926
16681	12787	Yosemite Park and Curry Company	To consolidate operative rights for auto stage service between Fresno and Merced, and Yosemite National Park via various authorized routes	Granted	May 10, 1926
16693	11829	Turner Lillie	To operate auto stage line between Valley Springs, Calaveras County, and "Dam Site" of East Bay Municipal Utility District and intermediate points, as extension of present service between Stockton and Valley Springs	Granted	May 10, 1926
16711	12098	M. M. Boutz	To operate auto truck service between Crescent City and Eureka, between Crescent City and California-Oregon state line, etc.	Denied	May 12, 1926
16712	12291	Robert V. Hardie	To operate motor truck service, on demand, between Glendale and Venice, Pasadena, Long Beach, Santa Ana, San Bernardino, etc.	Granted	May 12, 1926
16713	12318	Del Norte Fish and Produce Company (George D. Grant)	To operate auto truck service between Crescent City, Del Norte County, and Oregon state line, and intermediate points	Denied	May 12, 1926
16725	12812	Pickwick Stages System, California Transit Company, Motor Transit Company, Packard Stage Line, Crown Stage Lines, and Blabon and Cleaveland	To sell and transfer certain operating rights, assign certain leases, change routes and abandon certain lines, etc.	Granted	May 13, 1926
16737	11337	Chas. I. Dowd	To operate auto truck service for transporting furniture and household goods, including baggage, between Mill Valley and Oakland, and between Mill Valley and San Francisco, also between Sausalito and San Rafael, serving Mill Valley	Granted	May 17, 1926
16738	11633	W. O. Ruddick	To operate auto truck service from Upper Lake to Ukiah	Granted	May 17, 1926
16741	12829	Belvedere Bus (Wm. Barr)	To transfer to Douglas Duggan his one-half interest in auto passenger and express service between Belvedere, Tiburon, Alto, Tamalpais High School and intermediate points	Granted	May 17, 1926
16742	12830	J. P. Smith and E. C. Litten	Former to sell to latter auto passenger and express service between Modesto, Crows Landing, Patterson and Newman	Granted	May 17, 1926
16743	11230	A. C. Foss and F. H. Foss	To operate auto truck service for transporting milk and cream between dairy ranches in vicinity of Mt. Eden, Alvarado, Centerville, Irvington, Newark, Mission San Jose, Niles, Decoto and Hayward, to creameries in Oakland, and Berkeley, as extension to present service between San Leandro and San Lorenzo and Oakland and Berkeley	Granted	May 17, 1926
16758	10473	Sequoia National Park Stage Company (Orval Overall and E. L. Askin)	To change route of present service between Visalia and entrance to Sequoia National Park (temporary)	Granted	May 24, 1926
16763	12841	R. S. Cassady	To operate auto stage service between Blairsden and Gold Lake Beach resort, and between Blairsden and Salmon Lake resort and intermediate points in Plumas County	Granted	May 25, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Action	Date
16764	12843	G. R. Carpenter and E. E. Littlefield	To transfer to Auto Transit Company operating right for auto passenger, baggage and express service between Salinas and Monterey and intermediate points	Granted	May 25, 1926
16777	12837	E. B. Harris and D. M. Rife	Former to sell to latter auto passenger line between Fresno and Riverdale and intermediate points	Granted	May 25, 1926
16786	12775	Tanner Motor Tours	To operate auto passenger and hand baggage service between Los Angeles hotels and the Dollar Steamship Line pier at Terminal Island (Los Angeles Harbor district)	Granted	May 28, 1926
16793	12239	S. W. Linderman Transfer and Drayage Company	To operate auto truck service for transporting fruits and vegetables between San Francisco and Colma and between San Francisco and Oakland	Granted	May 28, 1926
16797	8160	J. H. Cottrell	To operate auto freight service not exceeding 1,000 pounds for any one consignment between San Diego and Tecate	Granted	June 5, 1926
	12654	Borderland Express (Wiley J. Gibson)	To extend present service to include Tecate and Live Oak	Granted	June 5, 1926
	12782	Minnie Taylor	To operate auto milk and cream service between San Francisco and Oakland, on the one hand, and Tracy, Banta, Moss Dial, Calla, Atlanta, Turner's Station, French Camp, Stockton, Holt, Union Islands and Roberts Island; no service to be given from Manteca or territory from Manteca and Calla	Granted	June 9, 1926
16868	12794	Minnie Taylor	To operate auto milk and cream service between San Francisco and Oakland, on the one hand, and Dixon, Vacaville, Fairfield, Cordelia, Woodland and intermediate points, on the other hand	Granted	June 9, 1926
16874	12033	Harry B. Leonard	To operate auto freight service between Hollister and Tres Pinos, San Benito and King City and San Benito and Alpine Mine, with pickup and delivery seven miles on either side of roads traversed, as extension of present service between Tres Pinos and San Benito, provided, no local pickup service shall be given between Tres Pinos and Hollister	Granted	June 10, 1926
16876	12193	Pacific Electric Railway Company	To operate auto stage line between intersection of Lankershim Boulevard and San Fernando road in cities of Los Angeles and Burbank	Granted	June 10, 1926
16877	12685	Fred Duffy	To operate auto freight service in truck load lots of 5,000 pounds or over between Point Arena and Devilbliss Ranch and intermediate points	Granted	June 10, 1926
16879	12872	Lake County Automobile Transportation Company	To sell to George S. Held and auto passenger, baggage and express line between Hopland and points in Lake County	Granted	June 10, 1926
16884	10839	Valley Transportation Company (A. Wainright)	To operate auto truck service for transportation of farm and orchard products only, from Turlock, Keyes, Ceres, Modesto, Salida, Ripon, and Manteca to San Francisco and Oakland via Hayward, Dublin, Livermore, Tracy, Manteca, Modesto and Turlock	Granted	June 11, 1926
			To operate auto freight or express service between San Francisco, Oakland, Turlock and Los Banos, or milk, cream or butter only between Newman, Gustine and Los Banos and San Francisco and Oakland	Denied	June 11, 1926
16888	12683	Verdugo Hills Transportation Company and Motor Transit Company	For approval of lease contract, with option to purchase, of former to latter of auto passenger service between Los Angeles and Sunland via Glendale, Montrose, LaCrescenta, Tujunga and intermediate points	Granted	June 11, 1926

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16894	12896	Arthur H. Garrison and William Frickinger	Former to sell to latter auto freight line between Redding, Shasta County, and Pittville and intermediate points	Granted	June 11, 1926
16902	11188	Coast Truck Line	To operate auto truck line, on demand, between Pasadena, Santa Monica, Wilmington, San Pedro and Buena Park and San Diego and other points on coast route; no service, however to be given locally between Pasadena, Santa Monica, Wilmington, San Pedro, Buena Park and Los Angeles	Granted	June 12, 1926
16910	12907	Pioneer Livery and Lumber Company and Hess Lumber Company	Former to sell to latter auto freight service between Laws and Bishop, Inyo County	Granted	June 14, 1926
16912	12899	E. I. Ryker	To operate auto passenger, freight and express service between Alpaugh and Earlimart, Tulare County	Granted	June 14, 1926
16948	12496	C. A. Schindler	To operate auto passenger, freight and express service between Imperial Beach and Tia Juana, San Diego County	Denied	June 17, 1926
16985	11566	Kister and Lawton	To operate auto truck service for transporting fruit, farm products and farm supplies between Oroville, on the one hand, and Palermo, Durham, Corning and Olinda, on the other hand	Granted	June 24, 1926
16987	11361	Charles Hair	To operate auto truck service between San Jacinto, Hemet, Beaumont, and Banning, on the one hand, and Riverside, on the other hand	Granted	June 25, 1926
16988	12626	Los Angeles Railway Corporation	To operate auto stage service between Inglewood and intersection of Manchester Avenue and Cedar Street in County of Los Angeles	Granted	June 25, 1926
16992	12919	Tucker's Truck and Transportation Company and Los Angeles and Santa Barbara Motor Express Company, Inc.	Former to sell to latter operating right for auto freight line between Los Angeles and Saticoy and Santa Paula and Los Angeles for sum of $10,000	Granted	June 25, 1926
16993	12937	Community Investment Company, Inc., and John B. Auld	Former to sell to latter operating right for auto passenger line between Burbank and Hollywood	Granted	June 25, 1926
16994	12950	California Transit Company and C. E. Stavros	Former to lease to latter auto passenger and express service between Los Banos and Merced and intermediate points of Chowchilla Ranch and Santa Rita Ranch	Granted	June 25, 1926
16995	12955	G. L. Morrison and M. K. Davis	Former to lease to latter operating right for auto passenger service between Dunsmuir and Weed	Granted	June 25, 1926
16996	12956	U. G. Smith and I. S. Newland (Smith Automobile Company)	To operate auto freight service between Mammoth and Crystal Craig and Tamarack Lodge as extension of present service between Bishop and Mammoth	Granted	June 25, 1926
17000	12966	Wheeler's Hot Springs Stage Line (Murray D. Bayles)	To sell and Eugenie Gatjens to purchase auto stage line between Los Angeles and Wheeler's Hot Springs	Granted	June 25, 1926
17001	12968	T. J. Torpie and A. Skeahan	To sell and J. O. Jones, D. H. Jones and F. A. Rupley to purchase an auto passenger service between Emigrant Gap and Foleys Camp, and latter are also authorized to transport packages not to exceed 150 pounds each in conjunction with said passenger service	Granted	June 25, 1926
17063	12992	Motor Transit Company	To operate auto stage service between Los Angeles and Big Bear Lake, via Lake Arrowhead and Rim of the World route; between Los Angeles and Lake Arrowhead via San Bernardino and Waterman Canyon route; between Los Angeles and Big Bear Lake via San Bernardino and City Creek route	Granted	July 3, 1926
17080	12421	Paul Derkum	To operate auto stage service between Buttonwillow, McKittrick and Reward	Denied	July 3, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Action	Date
17087	12984	J. I. Kimbriel and A. C. Coolbaugh	Former to sell and latter to purchase auto freight line operated between Bakersfield and Wasco	Granted	July 3, 1926
17098	11244	Bakersfield and Los Angeles Fast Freight Company	To operate auto truck line between Los Angeles and Wasco and between Bakersfield and Wasco	Granted	July 12, 1926
17120	13005	Carl D. Hodge and Motor Transit Company	Former to sell to latter operating right for auto stage line between Oro Grande and San Bernardino and intermediate points	Granted	July 17, 1926
17134	12665	Mt. Lassen Transit Company	To discontinue seasonal operation between Jonesville and Chester	Granted	July 19, 1926
	10979	George A. Scott	To re-route service from Chico to points east of Chester via Red Bluff and the Red Bluff-Westwood highway	Denied	July 19, 1926
17138	11064	David S. Mitchell	To operate auto stage service between Susanville and California-Oregon state line, near Tule Lake	Denied	July 20, 1926
17149	13018	C. E. Smith and Joe Mattos	To operate auto stage service between Susanville and California-Oregon state line near town of Malin, Oregon, serving all intermediate points via Merrillville, Gerigs, Hayden Hill, Perks Ranch, Adin and Canby	Granted	July 20, 1926
17172	13038	R. H. Clark and F. O. Garrett (Oakland-San Rafael Express)	Former to sell to latter auto passenger and freight line between Truckee and Sierraville	Granted	July 27, 1926
17173	13041	W. B. Gelatt and Sierra Nevada Stages	To sell and Walter Johnson to purchase undivided one-half interest of F. O. Garrett in auto freight line operated between Oakland and San Rafael, and Oakland and Ignacio via Point Richmond	Granted	July 31, 1926
17174	13049	R. E. Woodhams (Scenic Auto Stage)	Former to sell and transfer to latter auto passenger, freight and baggage service between Truckee and Donner Lake Camp	Granted	July 31, 1926
17177	12935	Charles H. Ellis	To sell to George Carr an auto passenger line between Redwood City, La Honda and San Gregorio	Granted	July 31, 1926
17191	13060	Pacific Electric Railway Company	To operate auto passenger and freight service between Elk Creek and Orland and intermediate points via Newville and Millsaps	Granted	Aug. 2, 1926
17203	13052	Pickwick Stages System and Fred A. Sutherland	To sell and transfer to J. B. and C. Auld auto stage line between city of Los Angeles and city of Burbank	Granted	Aug. 5, 1926
17214	13062	W. I. Miller and P. E. Tibbetts	Former to sell to latter operative right for auto stage service between San Diego and Encanto	Granted	Aug. 11, 1926
17215	13066	H. W. Egbert and Mt. Lassen Transit Company	Former to sell to latter auto truck line operated between San Jacinto, Hemet and other points to Los Angeles, and to certain points from Los Angeles	Granted	Aug. 13, 1926
17228	12865	B. C. and A. J. Tucker	Former to sell and latter to purchase auto stage line operated between Quincy and Bucks Ranch	Granted	Aug. 13, 1926
17229	11254	James A. Schoonover	To operate auto passenger, freight and express service between Etna and Gazelle	Denied	Aug. 17, 1926
17242	13010	Olsen's Auto Service	To operate auto truck service between Oasis, Mecca, Thermal, Coachella and Indio, on the one hand, and Los Angeles, on the other hand	Denied	Aug. 17, 1926
			To operate auto passenger and baggage service between Portola and Quincy	Granted	Aug. 18, 1926

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17243	13082	Robert C. Dear and Paul Derkum	Former to sell to latter auto passenger and express line between Bakersfield and McKittrick; and latter to operate service between McKittrick and Reward	Granted	Aug. 18, 1926
17244	13085	Bert Myers and J. W. Lemen	Former to sell and latter to purchase an auto passenger and freight line between Paso Robles and Annette	Granted	Aug. 18, 1926
17281	10970	Ward's Auto Stage	To operate auto stage line between Antioch and Bridgehead as extension of service between Pittsburg and Antioch	Denied	Aug. 27, 1926
17282	11716	A. H. Weston and W. H. Curson	To operate auto passenger and express service between Knights Landing and Marysville, with certain provisions	Granted	Aug. 27, 1926
17283	11863	Imperial Valley-Los Angelee Express	To operate auto truck service as extension of present service to serve Kane Springs, Fish Springs, Oasis, Calipatria, Los Angeles via Pasadena, etc.	Granted	Aug. 27, 1926
17285	12596	Cyril V. Bennett	To operate motor bus passenger service between First Street, Lawndale, and Regent Street, Inglewood	Granted	Aug. 27, 1926
17286	12633	A. B. Sherwood, Jr.	To operate auto dump truck service between Haynes Canyon (Tujunga), Glendale and Roscoe, etc.	Dismissed	Aug. 27, 1926
17304	11360	Mott Peters	To operate auto truck service between Sacramento and Morse ranch	Granted	Sept. 3, 1926
	11404	John M. Colby and Rexford Colby	To operate auto truck service between Walnut Grove, Hood, Courtland, Sacramento and farms in that vicinity	Granted	Sept. 3, 1926
17305	11975	Thomas Vella	To operate auto freight service between Sonoma and San Francisco	Denied	Sept. 3, 1926
17306	12079	Briggs and Mundell	To operate auto truck service between Saticoy and Camarillo, on the one hand, and Santa Monica, via El Rio, Oxnard, Hueneme and intermediate points, on the other hand	Granted	Sept. 3, 1926
17307	12086	H. H. Dimmitt and James H. Taylor	To operate auto freight truck service between Los Angeles and Los Angeles Harbor	Dismissed	Sept. 3, 1926
17317	12032	W. A. Junge	To operate motor truck service between Los Angeles or Los Angeles Harbor to Imperial Valley	Denied	Sept. 8, 1926
17332	13090	A. J. Mason and W. E. Spoon	Former to sell and latter to purchase one-half interest in auto passenger line between Monterey and Pacific Grove	Granted	Sept. 10, 1926
17342	13134	Judy and Elliott	To sell and transfer auto passenger and express line operated between Sacramento and Winters via Davis, to Beverly Gibson	Granted	Sept. 17, 1926
17356	13135	Russell O. Douglass and Beverly Gibson	Former to sell and transfer to latter auto passenger and baggage line operated between Sacramento and Folsom	Granted	Sept. 21, 1926
17362	13122	Edwin A. Boehme	To sell and transfer to Elizabeth and A. T. Merian an auto passenger, baggage and freight service between Oroville and Woodleaf and intermediate points	Granted	Sept. 21, 1926
17364	13152	J. B. and O. B. Griffiths and H. E. Schuricht and F. E. Rueweler	To cancel lease of operating right for auto truck line between Los Angeles, Alhambra, San Gabriel and intermediate points, and for Schuricht and Rueweler to sell same to Ralph Baetz	Granted	Sept. 21, 1926
17365	13047	S. C. Cassidy	To sell and transfer to W. O. Smith, R. Balmain and J. S. Ginocchio, co-partners, an operating right for auto freight and express service between Westwood and point near Doyle	Granted	Sept. 21, 1926
17366	13142	D. B. Maurice and Frank Atkinson	Former to sell and transfer to latter his one-half interest in auto passenger service in city of Los Angeles	Granted	Sept. 21, 1926
17367	13102	Noah S. Branham	To operate auto passenger, freight, express and baggage service between Paskenta and Corning via Flournoy and Henleyville, Tehama County	Granted	Sept. 21, 1926
17368	13114	Motor Transit Company	To abandon auto stage line between Chino and Corona	Granted	Sept. 21, 1926
17369	13172	E. E. Miller	To sell and transfer to A. E. Mallett and Gene Antichi, co-partners, operating rights for auto freight service between Sacramento, Florin and Elk Grove and between Sacramento and Galt and intermediate points	Granted	Sept. 21, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Action	Date
17374	12650	The White Lines	To operate auto truck line between Stockton and Merced as extension of present service between Stockton and Turlock	Granted	Sept. 21, 1926
17395	13097	Harry Shoaps	To sell one-half interest in auto stage line operated between San Bernardino and Riverside to E. A. Montgomery and F. H. Gottwals	Granted	Sept. 25, 1926
17396	13177	W. V. Butler	To operate auto passenger, baggage, express and freight service between Olancha and Darwin, Inyo County	Granted	Sept. 25, 1926
17409	13170	Pickwick Stages System and Shasta Transit Company	Former to lease and purchase from latter operative rights for auto stage line between Sacramento and Redding and intermediate points, and between Redding and Viola and intermediate points	Granted	Oct. 1, 1926
17410	13093	M. J. Brown	To sell and transfer auto passenger, freight and express line between towns of French Gulch and Carrville and intermediate points to James H. Stone and Dave Willis, co-partners	Granted	Oct. 1, 1926
17417	13080	J. H. Cottrell and Hubert Mills	Former to sell and transfer to latter operating right for auto passenger and freight service between San Diego and Tecate and intermediate points	Granted	Oct. 1, 1926
17428	9795	Charles A. Hare and Pickwick Stages System	Former to sell and transfer to latter operative rights for auto stage line between cities of Bakersfield and Taft, and Pismo Beach and intermediate points via Lost Hills	Granted	Oct. 5, 1926
17429	11737	Pacific Coast Motor Coach Company	To operate auto express service in conjunction with present passenger and baggage service between Newport Beach and San Juan Capistrano and intermediate points	Granted	Oct. 5, 1926
17435	13190	City Transfer and Storage (Max Holenbeck)	To sell and transfer to Coast Truck Line operating right for auto freight line between Oceanside and Los Angeles	Granted	Oct. 5, 1926
17441	13113	James T. McAlee and C. O. Dangberg	To operate an auto passenger, baggage and freight service between Bridgeport, Mono County, and Cow Creek, Tuolumne County, and certain intermediate points	Granted	Oct. 11, 1926
17442	13129	D. M. Rife	To abandon auto stage service to town of Raisin City and to re-route same via Elm Avenue and Caruthers	Granted	Oct. 11, 1926
17451	12407	L. A. Thornewill	To operate an auto truck line between Santa Cruz and Capitola to San Francisco, between Alma and San Francisco	Granted	Oct. 13, 1926
17452	12468	J. M. Ward	To operate auto freight service between Aptos and Davenport, Santa Cruz and Oakland and San Francisco, without intermediates, and without back-haul, excepting farm necessities	Granted	Oct. 13, 1926
17453	12636	A. B. and Kenneth C. Clark	To operate general auto freight service between Watsonville, San Jose and San Francisco, and between Watsonville and points west of Aptos Creek, and between Watsonville and Betabel, including pick-up and delivery service in Pajaro Valley	Granted	Oct. 13, 1926
17458	13195	Roy D. Rice	To operate auto passenger and freight service between Maxwell and Stonyford and intermediate points of Lodoga and Sites	Granted	Oct. 13, 1926
17459	13204	Charles A. House and James W. Taylor	Former to sell and transfer to latter operating right for auto passenger and freight service between Redding and Knob and intermediate points	Granted	Oct. 13, 1926

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17466	11364	F. W. Granger	To operate auto freight service to and from Los Angeles and Pomona and other southern California points	Denied	Oct. 13, 1926
17467	11923	D. C. Anderson and N. A. Jordan	To operate auto truck service between city of Los Angeles and various points in counties of Orange, Ventura, Santa Barbara, Riverside and San Bernardino	Denied	Oct. 13, 1926
17468	12058	Pacific Transfer, Van and Truck Company	To operate auto truck service for transportation of baggage, pianos and general merchandise between San Diego and Coronado Beach, including North Island and Rockwell Field	Granted	Oct. 13, 1926
17469	12134	Highway Transport Company	To operate auto truck service from San Juan to Watsonville and Santa Cruz as extension of present service between San Francisco and San Jose, Hollister, Salinas and Monterey	Granted	Oct. 13, 1926
17471	13222	Key System Transit Company	To operate auto bus service between point at intersection of High Street and East Fourteenth Street, city of Oakland, and point at intersection of Ygnacio Avenue and High Street	Granted	Oct. 13, 1926
17482	11940	D. T. McElhaney	To operate auto truck service between San Bernardino and Colton, on the one hand, and Oro Grande, Helendale, Hicks, Lynwood, Barstow, Daggett, Yermo and points intermediate, on the other hand	Granted	Oct. 16, 1926
17483	12929	P. E. Wood	To operate auto freight service between Long Beach and south city limits of Bellflower and intermediate points	Denied	Oct. 16, 1926
	13094	I. J. McIntire	To operate auto truck service between points south of Artesia Avenue, Bellflower, and city of Long Beach	Granted	Oct. 16, 1926
17496	12567	Verdugo Hills Transportation Company	To operate auto express service between Los Angeles and Sunland	Granted	Oct. 18, 1926
	12567	Richardson Transportation Company	To discontinue operation of auto freight service between Los Angeles and Sunland		
17504	11535	Anaheim Truck and Transfer Company	To operate auto truck service between Anaheim and Los Angeles Harbor; between Anaheim and El Segundo; between Los Angeles and Vernon and Fullerton and Anaheim	Granted	Oct. 21, 1926
17513	11049	Pacific Electric Railway Company	To increase street car and motor coach rates in city of Pasadena (petition for rehearing)	Denied	Oct. 21, 1926
	C2210	Railroad Commission, investigation of	Into operation of Pacific Electric Land Company and Pacific Electric Railway Company of motor vehicles in Pasadena—petition for rehearing	Denied	Oct. 21, 1926
17514	12820	Pacific Electric Railway Company	To operate motor coach service in city of Pasadena—petition for rehearing	Denied	Oct. 21, 1926
17515	11252	Harris and Devine	To operate auto truck line between Blake's Station and Sacramento	Granted	Oct. 21, 1926
17516	11420	Charles Hoagland	To operate auto truck service between Rio Linda and Sacramento	Denied	Oct. 21, 1926
17521	13192	Key System Transit Company	To operate auto freight and express service between Modesto and San Francisco and Oakland	Dismissed	Oct. 21, 1926
17528	13127	Pacific Electric Railway Company	To operate auto bus service between point at intersection of The Alameda and Monterey Avenue in city of Berkeley and intersections of Colusa and Fairmont avenues in Contra Costa County	Granted	Oct. 25, 1926
17535	10296	American Railway Express Company and Southern Pacific Company	To operate motor coach service between Beverly Hills and Los Angeles and intermediate points	Granted	Oct. 26, 1926
			For rehearing in matter of application of James Bell and Charles Griffin to operate auto freight service between San Francisco and Gilroy	Denied	Oct. 26, 1926
17541	13042	Los Angeles Railway Corporation	To operate motor coach service between Los Angeles and Culver City	Granted	Oct. 29, 1926
17546	13223	G. A. Schoen and Motor Transit Company	Former to sell and transfer to latter operating right for auto stage line between Redlands and Yucaipa	Granted	Oct. 29, 1926
17547	11659	F. R. Palmateer (Fidelity Fireproof Storage Company)	To operate auto truck service between Los Angeles and various points in southern California	Denied	Oct. 29, 1926

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TABLE C—AUTO STAGE APPLICATIONS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Action	Date
17548	11660	Wahl and Bianchini	To operate auto truck line over 17 routes, including Hollister, Gilroy, Tres Pinos, Grass Valley, San Juan, etc.	Granted	Oct. 29, 1926
17549	11883	J. G. Owens	To operate auto truck service for transportation of milk and dairy feed and supplies only within district bounded by 120th Street, Central Avenue, Orange Street and Main Street, Los Angeles County, via Central Avenue	Granted	Oct. 29, 1926
17550	12424	A. C. Price	To operate auto truck service for transportation of bakery products between Oakland and Sacramento	Denied	Oct. 29, 1926
17551	12584	McConnell Hirons	To operate auto truck service between Fresno and Stratford, with certain provisions	Granted	Oct. 29, 1926
17559	10809	John H. Eagle	To operate auto truck service between Los Angeles and Randsburg, Johannesburg, Osdick, Inn City, Hampton and Atolia—petition for rehearing	Denied	Oct. 29, 1926
	C1812	Cambria Truck Company et al. vs. Benjamin Tonini	Petition of D. S. Rosa for rehearing	Denied	Oct. 29, 1926
	C 1832	Benjamin Tonini vs. D. S. Rosa			
	C 1969	D. S. Rosa vs. Cambria Truck Company			
17560	C2000	E. L. McConnel and Joe Genardini vs. D. S. Rosa			
	A8257	D. S. Rosa	To operate auto truck service—petition for rehearing	Denied	Oct. 29, 1926
	A8358	E. L. McConnel	To operate passenger and express service		
	9670	D. S. Rosa	To operate auto freight and passenger service between San Luis Obispo and San Simeon—for rehearing	Denied	Oct. 29, 1926
17581	11812	West Side Transit Company	To extend its Long Beach to Davidson City line to Hollywood	Granted	Nov. 8, 1926
17586	11820	Service Motor Express	To operate pickup and delivery service between east line of Ontario and Riverside and between Riverside and San Bernardino	Granted	Nov. 10, 1926
	11928	Service Motor Express	To operate demand service from Riverside, Wineville, Highgrove and Grand Terrace to Los Angeles and Los Angeles Harbor, etc.	Granted	Nov. 10, 1926
17589	13205	Motor Coach Company	To operate locally between Santa Monica and Redondo in conjunction with operation between Long Beach and Santa Monica	Granted	Nov. 10, 1926
17590	12970	Silas J. Bivins	To operate auto freight service between Blythe and Palo Verde and intermediate points	Granted	Nov. 10, 1926
17594	13187	City Transfer and Storage Company	To operate auto freight service between Long Beach and Seal Beach, and Seal Beach, Sunset Beach, Huntington Beach, etc.	Granted	Nov. 10, 1926
17595	13277	Pickwick Stages System and Pacific Motor Express (Harry Payne)	Former to lease and sell to latter operating rights for auto freight service between Los Angeles and Temecula and certain intermediate points	Granted	Nov. 10, 1926
17605	12092	Inglewood Transfer and Storage Company	To operate auto freight service between Inglewood and various points in southern California	Denied	Nov. 12, 1926
			To transfer properties operated by H. B. Lewis to Mary K. Lewis, actual owners of business	Granted	Nov. 12, 1926
17607	12486	Goldberg and Spann	To operate auto truck service between Los Angeles and Chula Vista	Denied	Nov. 12, 1926
17631	11938	Rudolph A. Wellpott	To operate auto truck service between Los Angeles, Vernon and various points in southern California	Dismissed	Nov. 18, 1926

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17632	11488	Walter Willhour	To operate auto truck service between San Francisco and Bakersfield; between Los Angeles, Bakersfield and other points; between Los Angeles and Weed Patch and Arvin	Denied	Nov. 18, 1926
17634	11856	Service Drayage and Warehouse Company	To operate auto freight service between Los Angeles and Los Angeles Harbor and Long Beach Harbor, and between Los Angeles and Alhambra, Pasadena, Glendale, Santa Monica and Long Beach	Denied	Nov. 18, 1926
17637	12533	E. L. Collett	To operate auto truck service between Long Beach and Wilmington, Long Beach and Davidson City, and Davidson City and Los Angeles	Granted	Nov. 18, 1926
17638	13063	E. C. Craig	To operate auto passenger service between Gaviota and Los Olivos	Granted	Nov. 18, 1926
17657	12707	T. Landi Draying Company	To operate auto truck service between certain ranches in Sonoma County and city of Oakland by way of San Rafael and Richmond	Granted	Nov. 26, 1926
17658	12724	Chas. Dufour	To operate auto truck service between Los Angeles and Tehachapi	Denied	Nov. 26, 1926
17659	12743	Frank X. Dias	To operate auto passenger service between Sacramento and Elk Grove via Florin	Denied	Nov. 26, 1926
17664	11882	Edward Bahler and G. Niederhauser	To operate auto truck service between Los Angeles and Riverside	Dismissed	Nov. 29, 1926
17665	11148	R. J. Rogers	To operate auto truck service between Petaluma and Nicasio and between Point Reyes and Nicasio	Granted	Nov. 29, 1926
	13252	James Rusconi	To operate same service	Granted	Nov. 29, 1926
17666	12470	Lee Belden (Atlantic and S. P. Transfer)	To operate auto truck service between Los Angeles and Glendale, Pasadena, Long Beach, Venice, Ocean Park, Santa Barbara, etc.	Granted	Nov. 29, 1926
17668	12823	Isaac Shakarian, Tom Kardasian and Joe Perumean	To extend present service to permit auto milk truck service over route commencing at corner of Somerset Avenue and Artesia Street on present route, thence eastwardly on Artesia Street to San Gabriel River, thence north along west bank of San Gabriel River to Downey-Norwalk road, etc.	Denied	Nov. 29, 1926
17672	13237	Scott Williams	To operate auto bus service between 116th Street and Ingram Street and 116th Street and Compton Avenue, Los Angeles County	Granted	Nov. 29, 1926
17673	13311	Marengo Brothers and Raymond H. Penhall	Former to sell to latter auto freight line between Cudahy and Los Angeles	Granted	Nov. 29, 1926
17674	13321	C. W. Turney and Wesley Perry	Former to sell and latter to purchase auto truck line between Los Angeles and Montebello and Whittier	Granted	Nov. 29, 1926
17691	13329	Motor Transit Company and Pickwick Stages System	To publish joint one-way and round-trip passenger fares between San Bernardino and points in Imperial Valley	Granted	Dec. 1, 1926

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TABLE D—GRADE CROSSINGS.

Dec. No.	App. No.	Applicant (and other parties)	Location	Action	Date
16433	12675	Southern Pacific Company (city and county of San Francisco)	Seventh Street, and King, Townsend, Gilbert, Butte Place, Lucerne and Harriet Streets	Granted	April 9, 1926
16435	12642	Southern Pacific Company (town of Martinez)	Escobar Street	Granted	April 9, 1926
16436	12680	Southern Pacific Company (town of San Carlos)	County road	Granted	April 9, 1926
16437	12632	Southern Pacific Company (county of San Benito)	County road in vicinity of Logan	Granted	April 9, 1926
16438	12696	Southern Pacific Company (city of Oakland)	First and Webster Streets	Granted	April 9, 1926
16448	11554	City of Burbank (Southern Pacific Company)	Lincoln Street	Denied	April 9, 1926
16461	12695	The Atchison, Topeka and Santa Fe Railway Company (town of Shafter)	Central Avenue	Granted	April 10, 1926
16462	12699	Southern Pacific Company (city of Sacramento)	Fifteenth Street	Granted	April 10, 1926
16463	12623	The Atchison, Topeka and Santa Fe Railway Company (county of Madera)	County road at Gregg	Granted	April 10, 1926
16476	12645	Southern Pacific Company (vicinity of Belmont)	O'Neil Avenue	Granted	April 12, 1926
16477	12647	Southern Pacific Company (vicinity of Heber)	Main Street	Granted	April 12, 1926
16478	12648	Southern Pacific Company (city of Los Angeles)	Redondo Street in vicinity of River Station	Granted	April 12, 1926
16492	12052	Southern Pacific Company (San Mateo and Burlingame)	Peninsula Avenue	Granted	April 16, 1926
16545	12727	Tidewater Southern Railway Company (city of Modesto)	B Street	Granted	April 23, 1926
16565	12439	County of Fresno (Southern Pacific Company)	Town of Riverdale	Granted	April 26, 1926
16574	12763	Key System Transit Company (city of Oakland)	Linden and Forty-second Streets	Granted	April 26, 1926
16583	12403	City of Alameda (Southern Pacific Company)	Eagle Avenue	Granted	April 26, 1926
16584	12668	County of San Mateo (Southern Pacific Company)	Public road	Granted	April 26, 1926
16585	12773	Petaluma and Santa Rosa Railroad Company (city of Santa Rosa)	Olive Street and Walnut Drive, and Chestnut Street	Granted	April 26, 1926
16618	12701	Southern Pacific Company (county of Tulare)	Vicinity of Lindsay	Granted	May 3, 1926
16619	12780	Northwestern Pacific Railroad Company (city of Eureka)	Broadway Street	Granted	May 3, 1926
16620	12799	Northwestern Pacific Railroad Company (city of Arcata)	Twelfth Street	Granted	May 3, 1926
16642	12732	County of Fresno (Southern Pacific Company)	Illinois Street at Twelfth Street	Granted	May 4, 1926
16643	12747	The Atchison, Topeka and Santa Fe Railway Company (city of Los Angeles)	Mozart, Power and Leroy Streets	Granted	May 4, 1926
16647	12769	The Atchison, Topeka and Santa Fe Railway Company (Fresno County)	Jensen Avenue at Calwa	Granted	May 4, 1926
16648	12770	The Western Pacific Railroad Company (town of Hayward)	C Street	Granted	May 4, 1926
16649	12781	Southern Pacific Company (city of Oakland)	Kirkham Street near Twenty-second Street	Granted	May 4, 1926
16667	12697	The Atchison, Topeka and Santa Fe Railway Company (city of Vernon)	Forty-ninth Street	Granted	May 5, 1926
16668	12792	Alameda Belt Line (city of Alameda)	Oak Street	Granted	May 5, 1926
16669	12797	Southern Pacific Company (city of Exeter)	Chestnut Street	Granted	May 5, 1926
16670	12798	Southern Pacific Company (city of Exeter)	Firebaugh Avenue and Chestnut Street	Granted	May 5, 1926
16677	12526	Pacific Electric Railway Company (city of Los Angeles)	East Ninth Street	Granted	May 10, 1926
16678	12553	City of Burbank (Pacific Electric Railway Company)	Cedar Street	Denied	May 10, 1926
16679	12569	Southern Pacific Company (city of Burbank)	Front Street and Burbank Boulevard	Granted	May 10, 1926
16710	12016	County of Shasta (Southern Pacific Company)	Castle Craig Station	Granted	May 12, 1926
16732	12755	County of Siskiyou (Southern Pacific Company)	Vicinity of Mt. Hebron Station	Granted	May 17, 1926
16733	12825	Sunset Railway Company (city of Taft)	Center Street	Granted	May 17, 1926
16734	12776	Southern Pacific Company (county of Napa)	Vicinity of Rutherford	Granted	May 17, 1926
16748	12744	California Highway Commission (The Atchison, Topeka and Santa Fe Railway Company)	Del Mar, San Diego County	Granted	May 19, 1926

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16750	12831	The Atchison, Topeka and Santa Fe Railway Company (city of Los Angeles)	L, Young, K, Grant and J Streets	Granted	May 19, 1926
16757	12826	The Atchison, Topeka and Santa Fe Railway Company (county of Stanislaus)	Near Denair	Granted	May 21, 1926
16762	12583	County of San Bernardino (The Atchison, Topeka and Santa Fe Railway Company)	Near Minneola	Granted	May 25, 1926
16765	12657	Pacific Electric Railway Company (county of Los Angeles)	San Bernardino Avenue	Granted	May 25, 1926
16766	12692	City of Long Beach (Pacific Electric Railway Company)	Fifty-second, Fifty-seventh Place, Pier Avenue, etc.	Granted	May 25, 1926
16767	12850	Southern Pacific Company (city of Lodi)	Stockton Street	Granted	May 25, 1926
16768	12856	Southern Pacific Company (county of Riverside)	Cantaloupe Avenue, vicinity of Coachella	Granted	May 25, 1926
16776	12539	The Atchison, Topeka and Santa Fe Railway Company (city of Vernon)	Fruitland road	Dismissed	May 25, 1926
16778	12746	City of Riverside (The Atchison, Topeka and Santa Be Railway Company)	Pontoosuc Avenue	Granted	May 25, 1926
16794	12874	Alameda Belt Line (city of Alameda)	Clement Avenue, etc.	Granted	May 28, 1926
16866	12871	The Western Pacific Railroad Company (city of Oakland)	East Twelfth Street	Granted	June 9, 1926
16867	12218	Colonial Improvement Company and county of Sacramento (Central California Traction Company)	Vicinity of Sacramento	Denied	June 9, 1926
16870	12827	City of Monterey (Southern Pacific Company)	Figueroa Street	Granted	June 9, 1926
16875	12679	Southern Pacific Company (city of Vernon)	Santa Fe Avenue	Granted	June 10, 1926
16878	12467	City of San Buenaventura (Southern Pacific Company)	Anacapa Street (for pedestrians only)	Granted	June 10, 1926
16880	12867	The Atchison, Topeka and Santa Fe Railway Company (county of Kings)	Town of Corcoran	Granted	June 10, 1926
16885	12353	County of Santa Clara (Southern Pacific Company)	Kalana Avenue (Perry Station)	Denied	June 11, 1926
16901	12887	San Diego and Arizona Railway Company (city of San Diego)	Sampson Street and Colton Avenue	Granted	June 12, 1926
16903	12888	The Western Pacific Railroad Company (city and county of San Francisco)	Army, Twenty-sixth and Michigan Streets	Granted	June 12, 1926
16914	12878	Southern Pacific Company (county of Tulare)	Main Street at Ivanhoe Station	Granted	June 14, 1926
16915	12901	Southern Pacific Company (city of Sacramento)	Portion of R Street	Granted	June 14, 1926
16916	12902	Southern Pacific Company (county of Sonoma)	Cleveland Avenue in vicinity of Santa Rosa	Granted	June 14, 1926
16917	12924	The Western Pacific Railroad Company (city of San Leandro)	Ward and Martinez Streets	Granted	June 14, 1926
16943	12904	Southern Pacific Company (town of Santa Clara)	Brokaw Road	Granted	June 14, 1926
16953	12918	Santa Cruz County (Southern Pacific Company)	Santa Cruz-Davenport Highway	Granted	June 17, 1926
16957	12749	County of Tulare (Southern Pacific Company)	Near Visalia	Granted	June 19, 1926
16960	12905	Southern Pacific Company (city of Sacramento	R Street between Seventh and Eighth Streets	Granted	June 19, 1926
16962	11644	Southern Pacific Company (city of Stockton)	Harrison, Edison and Church Streets	Granted	June 19, 1926
16963	12748	County of Merced (Southern Pacific Company)	Clark and Dutch Corner Road Change No. 557	Granted	June 19, 1926
16965	12881	Los Angeles Railway Corporation (city of Vernon)	Leonis Boulevard near Pacific Boulevard	Granted	June 19, 1926
16966	12906	Southern Pacific Company (county of Sacramento)	Spear Avenue and McCormick Way	Granted	June 19, 1926
16981	12951	Southern Pacific Company (city and county of San Francisco)	Brannan and First Streets	Granted	June 21, 1926
16990	12771	County of Sonoma (Petaluma and Santa Rosa Railroad)	New Wright Station	Denied	June 25, 1926
16998	12711	County of Tulare (Southern Pacific Company)	Near station of Tagus	Denied	June 25, 1926
17005	12943	Western Pacific Railroad Company (city of Oakland)	Market Street and portion of Third Street	Granted	June 25, 1926
17007	12944	Southern Pacific Company (city of San Jose)	Pleasant Street	Granted	June 25, 1926
17022	12652	County of Stanislaus (Southern Pacific Company)	Near Turlock	Granted	June 28, 1926
17023	12962	Southern Pacific Company (city of Berkeley)	Near Corbin Station	Granted	June 28, 1926
17034	12542	County of Tulare (Southern Pacific Company)	Near Pixley	Granted	July 2, 1926
17035	12660	County of Fresno (Southern Pacific Company)	Kamm Avenue	Denied	July 2, 1926
17048	12516	County of Los Angeles (Southern Pacific Company)	Cogswell Road	Granted	July 2, 1926
17049	12939	City of Vernon (The Atchison, Topeka and Santa Fe Railway Company)	East Forty-eighth Street	Granted	July 2, 1926
17065	12735	San Diego County (The Atchison, Topeka and Santa Fe Railway Company)	Los Angeles Street, at Vista	Granted	July 3, 1926
17066	12882	Nevada-California-Oregon Railway (town of Alturas)	East Street and Fourth Street	Granted	July 3, 1926
17067	12866	Nevada-California-Oregon Railway (town of Alturas)	Twelfth Street	Granted	July 3, 1926

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TABLE D—GRADE CROSSINGS—Continued.

Dec. No.	App. No.	Applicant (and other parties)	Location	Action	Date
17068	12954	Pacific Electric Railway Company (city of Compton)	Wilmington Street	Granted	July 3, 1926
17069	12980	The Atchison, Topeka and Santa Fe Railway Company (city of Parlier)	Tuolumne Street	Granted	July 3, 1926
17099	13006	Southern Pacific Company (city of Oakland)	Ettie Street	Granted	July 12, 1926
17136	12948	City of Oakland (The Western Pacific Railroad Company)	Ninety-second Avenue	Granted	July 19, 1926
17155	13009	The Western Pacific Railroad Company (city of Oakland)	Ninth Avenue	Granted	July 27, 1926
17166	12900	Southern Pacific Company (county of Merced)	Vicinity of Atwater	Granted	July 29, 1926
17171	12857	County of Yolo (Sacramento Northern Railroad)	Vicinity of Hebron Station	Granted	July 31, 1926
17178	12993	Western Pacific Railroad Company (city of Sacramento)	S Street	Granted	Aug. 2, 1926
17179	13007	Southern Pacific Company (vicinity of Turlock)	North Broadway	Granted	Aug. 2, 1926
17180	13011	Southern Pacific Company (city of Palo Alto)	Washington Avenue	Granted	Aug. 2, 1926
17181	13045	Tidewater Southern Railway Company (city of Turlock)	C and D Streets	Granted	Aug. 2, 1926
17182	13057	Southern Pacific Company (city of Sacramento)	Ninth Street	Granted	Aug. 2, 1926
17205	13070	Southern Pacific Company (town of Emeryville)	Doyle and Sixty-third Streets	Granted	Aug. 11, 1926
17220	13053	Southern Pacific Company (town of Antelope)	Cross Street	Granted	Aug. 13, 1926
17231	12614	County of Fresno (Southern Pacific Company)	Whitney Road	Granted	Aug. 17, 1926
17232	12845	County of Los Angeles (Pacific Electric Railway Company)	Riverside Drive	Granted	Aug. 17, 1926
17234	12964	County of Los Angeles (Pacific Electric Railway Company)	Harriet Street	Granted	Aug. 17, 1926
17236	13035	The Atchison, Topeka and Santa Fe Railway Company (city of Monrovia)	California Avenue	Granted	Aug. 17, 1926
17237	13059	Pacific Electric Railway Company (city of San Bernardino)	Third Street	Granted	Aug. 17, 1926
17238	13095	The Atchison, Topeka and Santa Fe Railway Company (city of Bakersfield)	Q Street	Granted	Aug. 17, 1926
17245	13064	Southern Pacific Company (city of Oakland)	Sixty-eighth Avenue and Beck Street	Granted	Aug. 18, 1926
17248	13075	Southern Pacific Company (City of Bakersfield)	Q, James, Twenty-sixth and Twenty-fourth Streets	Granted	Aug. 20, 1926
17251	13107	Southern Pacific Company (vicinity of Merced)	Cox Ferry Road (temporary)	Granted	Aug. 20, 1926
17257	13088	City of El Monte (Pacific Electric Railway Company)	Central Avenue	Granted	Aug. 23, 1926
17284	12594	County of Tulare (Southern Pacific Company)	Station of Ivanhoe	Granted	Aug. 27, 1926
17287	12712	County of Tulare (The Atchison, Topeka and Santa Fe Railway Company)	Sec. 5, T. 18 S., R. 25 E., M. D. B. and M.	Granted	Aug. 27, 1926
17291	12985	Town of Hayward (Western Pacific Railroad Company)	C Street	Granted	Aug. 27, 1926
17311	13143	Southern Pacific Company (city of Santa Rosa)	Twelfth and Thirteenth Streets	Granted	Sept. 3, 1926
17320	13136	Southern Pacific Company (city of Ontario)	Ontario Avenue	Granted	Sept. 8, 1926
17333	12688	City of Azusa (The Atchison, Topeka and Santa Fe Railway Company)	Virginia Avenue	Granted	Sept. 10, 1926
17334	13140	Southern Pacific Company (city of Stockton)	Weber Avenue and Edison Street	Granted	Sept. 10, 1926
17345	13099	Southern Pacific Company (city of Madera)	Olive Avenue, E, Ninth, Tenth Streets, etc.	Granted	Sept. 20, 1926
17346	13104	County of San Joaquin (Southern Pacific Company)	Public road	Granted	Sept. 20, 1926
17347	12873	The Atchison, Topeka and Santa Fe Railway Company and Key System Transit Company (city of Richmond)	Ohio Street	Granted	Sept. 20, 1926
17348	13014	Southern Pacific Company (city of San Luis Obispo)	High Street and Osos Street	Granted	Sept. 20, 1926
17349	13130	San Francisco-Sacramento Railroad Company (town of Concord)	Concord Avenue and Front Street	Granted	Sept. 20, 1926
17351	13116	The Atchison, Topeka and Santa Fe Railway Company (county of Los Angeles)	Kinneloa Avenue	Granted	Sept. 20, 1926
17352	13147	Western Pacific Railroad Company (city of Stockton)	Harrison Street and Main Street	Granted	Sept. 20, 1926
17353	13079	Western Pacific Railroad Company (Southern Pacific Company)	Mt. Vernon Avenue	Granted	Sept. 20, 1926
17370	13058	County of San Joaquin (Southern Pacific Company)	Front Street	Granted	Sept. 21, 1926
17375	13184	Southern Pacific Company (city of Selma)	Laurel Avenue	Granted	Sept. 21, 1926
		Southern Pacific Company (city of Lompoc)			

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17376	13161	The Atchison, Topeka and Santa Fe Railway Company (city of Inglewood)	Orange Street	Granted	Sept. 21, 1926
17419	13201	Southern Pacific Company (city of Monterey)	Spence Street	Granted	Oct. 1, 1926
17420	12958	County of Sonoma (Petaluma and Santa Rosa Railroad Company)	Fresno Avenue near McCauley Station	Granted	Oct. 1, 1926
17436	13206	Southern Pacific Company (county of Los Angeles)	Bridge Street, vicinity of Aurant Station	Granted	Oct. 5, 1926
17446	13214	Southern Pacific Company (city and county of San Francisco)	Second Street	Granted	Oct. 11, 1926
17455	12933	County of San Bernardino (Pacific Electric Railway Company and Southern Pacific Company)	Near Cadwell Station	Granted	Oct. 13, 1926
17457	13078	County of Sonoma (Petaluma and Santa Rosa Railroad Company)	Orangewood Street	Denied	Oct. 13, 1926
17460	13211	The Atchison, Topeka and Santa Fe Railway Company (city of Oakland)	Twentieth Street and Campbell Street	Granted	Oct. 13, 1926
17465	12195	County of Fresno (Fresno Traction Company)	Weber Avenue	Denied	Oct. 13, 1926
17474	13220	Southern Pacific Company (town of Williams)	B Street	Granted	Oct. 13, 1926
17475	13221	Southern Pacific Company (city of Oakland)	Ettie Street	Granted	Oct. 13, 1926
17510	13232	Sacramento Northern Railway (city of Sacramento)	X Street and Second Street	Granted	Oct. 21, 1926
17518	13013	Southern Pacific Company (county of San Luis Obispo)	Orcutt Road and vicinity of Edna	Granted	Oct. 21, 1926
17531	13154	City of San Diego (San Diego and Arizona Railway Company)	Euclid Avenue	Granted	Oct. 26, 1926
17552	12930	County of San Bernardino (Southern Pacific Company)	Cucamonga Avenue (for pedestrians only)	Granted	Oct. 29, 1926
17554	13226	Petaluma and Santa Rosa Railroad Company (city of Petaluma)	G Street	Granted	Oct. 29, 1926
17555	13254	Holton Inter-Urban Railway Company (city of Holtville)	Palm Avenue	Granted	Oct. 29, 1926
17556	13255	Holton Inter-Urban Railway Company (city of Holtville)	Fern Avenue	Granted	Oct. 29, 1926
17572	13077	San Diego County (The Atchison, Topeka and Santa Fe Railway Company)	Tract D of Ranch Buena Vista	Granted	Nov. 5, 1926
17573	13272	Southern Pacific Company (town of Fowler)	Mariposa Street	Granted	Nov. 5, 1926
17574	13288	Southern Pacific Company (city of Stockton)	Market Street	Granted	Nov. 5, 1926
17596	13106	City of Long Beach (Pacific Electric Railway Company)	Thirty-ninth Avenue and Livingston Drive	Granted	Nov. 10, 1926
17600	13281	The Western Pacific Railroad Company (city of Oakland) also (Key System Transit Company)	Third Street and Chestnut Street	Granted	Nov. 10, 1926
17614	13286	Southern Pacific Company (city and county of San Francisco)	Bluxome Street	Granted	Nov. 12, 1926
17615	13290	Southern Pacific Company (vicinity of San Jose)	Pine Street	Granted	Nov. 12, 1926
17645	13263	Pacific Electric Railway Company (city of Los Angeles)	El Prado Avenue	Granted	Nov. 18, 1926
17646	13303	The Western Pacific Railroad Company (city and county of San Francisco)	Brannan Street	Granted	Nov. 18, 1926
17647	13289	Southern Pacific Company (city of Sacramento)	Y Street	Granted	Nov. 18, 1926
17652	13241	County of San Joaquin (The Western Pacific Railroad Company)	Near Stockton	Granted	Nov. 19, 1926
17655	13319	Southern Pacific Company (city of Brawley	Main Street	Granted	Nov. 19, 1926
17662	13273	Southern Pacific Company (city of Los Angeles)	Medford, Perris, Alcazar and Norfolk Streets	Granted	Nov. 26, 1926
17677	13287	Los Angeles and Salt Lake Railroad Company (city of Los Angeles)	Indiana and Noakes Streets	Granted	Nov. 29, 1926
17678	13296	Los Angeles and Salt Lake Railroad Company (city of Pomona)	Palomares and Eleanor Streets	Granted	Nov. 29, 1926
17679	13298	Petaluma and Santa Rosa Railroad Company (city of Santa Rosa)	Third and Wilson Streets	Granted	Nov. 29, 1926
17680	13324	Southern Pacific Company (city of Stockton)	Hazelton Avenue and Aurora Street	Granted	Nov. 29, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
16434	12617	East Bay Water Company	Authorized to grant, sell and convey to Pacific Gas and Electric Company certain parcel of land in Rancho El Sobrante, Contra Costa County	April 9, 1926
16439	11171	Southern Pacific Company	First supplemental order granting permission to relocate track at grade across county road in town of San Carlos, San Mateo County	April 9, 1926
16440	8375	R. W. Rasmussen	First supplemental order revoking and annulling certificate for auto milk and cream service—Oakland and Newark (Decision No. 11341)	April 9, 1926
16447	5840	United Railroads of San Francisco, Market Street Railway Company et al.	Second supplemental order setting aside order in Decision No. 8482—re reorganization of company	April 9, 1926
16459	12686	Southern Pacific Company	Granting authority to abandon non-agency station at Crescent in San Francisco County	April 10, 1926
16460	12664	Southern California Edison Company and city of Glendale	Former authorized to sell to latter electric distributing system in territory recently annexed by said city	April 10, 1926
16471	12687	Southern Pacific Company	Authorized to abandon non-agency station of Mars, Fresno County	April 12, 1926
16472	12700	Southern Pacific Company	Authorized to abandon non-agency station of Ruric, Santa Clara County	April 12, 1926
16474	12716	Southern Pacific Company	Authorized to abandon non-agency station of Marco, Kern County	April 12, 1926
16479	9671	City of Los Angeles, The Atchison, Topeka and Fe Railway Company et al.	Supplemental order modifying Decisions No. 14731 and 16029—construction of viaducts over Los Angeles River	April 12, 1926
16485	12730	Emma Rose, Anna G. Lane and Hobart Estate Company	Order approving segregation, division and conveyance of interest in certain property	April 13, 1926
16489	12591	J. M. Goyke Water System	Authorized to discontinue water service to consumers in vicinity of Tract No. 3162, and on Bloomfield Street between Lankershim Boulevard and Vineland Avenue, Los Angeles County	April 16, 1926
16496	12489	Southern Pacific Company	Supplemental order amending Condition (2) of Decision No. 15990—grade crossing at R Street in city of Sacramento	April 16, 1926
16499	C2202	Sun-Maid Raisin Growers Association vs. Southern Pacific Company, Northwestern Pacific Railroad Company	Ordering defendants to refund all charges collected in excess of $2.25 per ton of 2,000 pounds for shipment of carload of refuse raisins from Yuba City to Waldo, August 26, 1924	April 16, 1926
16524	11600	C. L. Costa	Revoking certificate to operate auto milk hauling service between Artesia, Norwalk, Downey, Bell and Los Angeles	April 17, 1926
16536	1487 5026 12427 12448	City of Oakland vs. Southern Pacific Company Southern Pacific Company et al. Southern Pacific Company Southern Pacific Company and Peninsular Railway Company	Supplemental order amending Decision Nos. 16083 and 14618—re type of cars to be operated on so-called Eighteenth Street line in city of Oakland	April 17, 1926
16542	12717	Southern Pacific Company	Authorizing execution of agreement for joint operation of storage track at Palo Alto	April 21, 1926
16544	12545	Southern Pacific Company	Authorized to abandon and remove two certain spur tracks at station of Ball, city of Fresno	April 23, 1926
16553	12729	Pacific Gas and Electric Company and C. S. Maltby	Approving contract for construction of electric line extension and supplying of electric power for mining operations about 22 miles east of San Jose, Santa Clara County	April 23, 1926

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16573	12734	Donald P. Condit and Ford Howland	Authorizing former to transfer to latter pumping plant and water system Santian Anita Colony, near East San Gabriel	April 26, 1926
16577	5853	W. W. Van Deusen	Revoking certificate to operate auto truck service between Los Angeles and Hynes, Clearwater, Downey and intermediate points	April 26, 1926
16578	9220	T. E. Ives	Supplemental order revoking certificate to operate auto truck service between Raymond, Madera County, and Fish Camp, Mariposa County	April 26, 1926
16579	9616	W. B. Shively	Supplemental order revoking certificate to operate auto passenger, freight, express and baggage service between Eureka and Bridgeville	April 26, 1926
16580	C2045	Miller and Lux, Incorporated	Order denying rehearing of recent decision ordering refund of money collected by illegal increase in rates for water to consumers in Miller and Lux Colony, in vicinity of Firebaugh and Mendota, Fresno County	April 26, 1926
16581	C2191	H. J. Heinz Corporation vs. Southern Pacific Company	Dismissing complaint account alleged unreasonable rates collected for transportation of nine carloads of tin cans moved from San Francisco to Corning	April 26, 1926
16611	12501	The Atchison, Topeka and Santa Fe Railway Company and city of Bakersfield	Approving contract for construction by former of subway at Union Avenue in said city of Bakersfield	May 3, 1926
16613	12592	Pacific Gas and Electric Company and Joshua Hendy Iron Works	Approving agreement for supplying of gas at special rate for industrial uses at Sunnyvale, Santa Clara County	May 3, 1926
16614	12638	Southern Pacific Company	Granting authority to discontinue ticket agency at El Casco, Riverside County	May 3, 1926
16621	8559	C. H. Eckles and A. A. Johnson	Supplemental order revoking and annulling certificate to operate auto passenger, baggage and express service between Oroville and Stirling City, Butte County	May 3, 1926
16622	8926	A. A. Johnson	Supplemental order revoking and annulling certificate to operate auto passenger, baggage and express service between Westwood, Lassen County, and Stirling City, Butte County	May 3, 1926
16623	9304	M. J. Plasse	Supplemental order revoking certificate to operate auto passenger and express service between Jackson and Plasse's Resort	May 3, 1926
16625	C1418	Wm. H. Neff vs. Port Costa Water Company	Supplemental order directing filing of rules and regulation to the effect that applicant company shall not be obligated to furnish water to consumers in and in vicinity of town of Crockett at an elevation exceeding 280 feet above sea level	May 3, 1926
16646	12765	Ocean Park Heights Water Company	Authorized to issue and sell five shares of capital stock ($500)	May 4, 1926
16682	12802	Southern Pacific Company	Authorizing abandonment of non-agency station of Hilliard, Alameda County	May 10, 1926
16683	12805	Southern Pacific Company	Authorizing abandonment of non-agency station of Asylum, San Joaquin County	May 10, 1926
16684	12808	Southern Pacific Company	Authorizing abandonment of non-agency station of Wesby, Fresno County	May 10, 1926
16685	12813	Pacific Electric Railway Company	Granting permission to abandon and remove spur track at station of Dozier, Los Angeles County	May 10, 1926
16686	12274	Pickwick Stages System and West Coast Transit Company	Supplemental order modifying Decision No. 16068—re joint fares	May 10, 1926
16688	12151 12396	Ballona Water Company Ballona Water Company	Supplemental order granting authority to exercise rights and privileges granted by Board of Supervisors of Los Angeles County to operate water system in Tract No. 6139	May 10, 1926
16689	12403	City of Alameda	Supplemental order amending Decision No. 16583—grade crossing	May 10, 1926
16690	12734	Ford L. and Mayme J. Howland	Supplemental order authorizing issue of note in part payment of public utility water system in East San Gabriel	May 10, 1926
16717	12821	California Telephone and Light Company and Clear Lake Beach Company	Approving contract for sale of power by former to latter for period of five years	May 12, 1926
16722	C2028	H G. Prince and Company and Hunt Brothers Packing Company vs. Southern Pacific Company	Order denying petitions for rehearing	May 12, 1926
16724	12756	Southern Pacific Company	Authorizing abandonment of non-agency station of Fredonia, Lassen County	May 13, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
16726	12587	Southern California Utilities, Inc.	Supplemental order granting permission to execute revised deed of trust covering issue of bonds heretofore authorized by Commission	May 13, 1926
16729	7228	Coronado Water Company	Supplemental order relieving applicant of filing monthly statements with Commission of its operations (General Order No. 65)	May 14, 1926
16730	12785	Southern Pacific Company	Authorizing abandonment of non-agency station at Kinross, Kern County	May 17, 1926
16731	12804	Southern Pacific Company	Authorizing abandonment of non-agency station at Derwent, Kern County, and also spur track located at said station	May 17, 1926
16735	12038	Glenn W. Barnes	Granting extension of time in which to begin operation of auto passenger service between intersection of Lorena Street and Whittier Boulevard, Los Angeles, and central manufacturing district, Maywood	May 17, 1926
16736	11443	Milton Bailey	Supplemental order amending route of auto passenger and freight service between San Diego and Palomar Mountains by substituting "Warner's Dam" in place of "Morettis"	May 17, 1926
16749	10260	Southwestern Home Telephone Company	Third supplemental order modifying Decision No. 13866—bonds	May 19, 1926
16751	12725	Key System Transit Company	Supplemental order authorizing execution of revised equipment trust agreement and lease agreement in lieu of ones previously authorized by the Commission	May 19, 1926
16752	12637	Garden Grove City Water Company and Orange County Water Works District Number Three	Former authorized to transfer water system to latter	May 21, 1926
16753	12742	Home Tract Water Company and Orange County Water Works District Number Three	Former authorized to transfer water system in vicinity of Garden Grove to latter	May 21, 1926
16755	12806	Southern Pacific Company	Authorizing abandonment of non-agency station of Amigo in Kern County	May 21, 1926
16756	12803	Southern Pacific Company	Authorizing discontinuance of non-agency station of Cuando, Kern County, and also abandonment of spur track at said station	May 21, 1926
16759	9313	S. F. B. Morse	Supplemental order revoking and annulling certificate for auto bus service between Pacific Grove, Monterey and Del Monte, and Los Banos and Merced	May 24, 1926
16770	11905	San Francisco-Sacramento Railroad Company	Supplemental order amending Decision No. 15620—grade crossing at Molena	May 25, 1926
16772	6820	Southern Pacific Company	Revoking prior order granting permission to construct spur track at grade across Stockton Street in city of Lodi, and ordering said track removed	May 25, 1926
16773	10995	Los Angeles and Salt Lake Railroad Company	Order revoking portion of prior order, Decision No. 14836—grade crossing, Waverly Drive, city of Pasadena	May 25, 1926
16779	11630	California Highway Commission, South San Francisco Belt Railway Company and Southern Pacific Company	Supplemental order modifying Decision No. 16728—apportioning cost to construct under-grade crossing on Bay Shore Highway at South San Francisco	May 25, 1926
16780	12544	Southern Pacific Company	Supplemental order modifying Decision No. 16209—grade crossing in city of Sacramento	May 25, 1926
16781	12869	Southern California Edison Company	Authorized to issue and sell at not less than 94½ per cent of face value, plus accrued interest, $40,000,000 of refunding mortgage gold bonds	May 27, 1926
16788	12852	Southern Pacific Company	Authorized to abandon non-agency station of Arnez, Ventura County	May 28, 1926
16789	12855	Southern Pacific Company	Authorized to abandon non-agency of Homestead, Sacramento County	May 28, 1926
16795	11123	San Diego and Arizona Railway Company	Authorized to abandon and remove certain trackage in city of San Diego	June 5, 1926
16796	C2240	City of Burbank vs. Southern Pacific Company	Defendant company directed to widen pavement at crossings of San Fernando road over its tracks in said city, and to relocate existing automatic flagman for protection of approaches to said crossing	June 5, 1926

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16798	10581	San Rafael-Lagunitas Auto Stage Company	Supplemental order revoking certificate for auto stage service between San Rafael and Lagunitas, Marin County	June 5, 1926
16799	10818	Palos Verdes Transportation Company	Dismissing supplemental application for permission to use $4,225.75 obtained from sale of stock to pay operating losses	June 5, 1926
16800	11355	E. G. Moss	Supplemental order amending Decision No. 16559, auto truck service between Pomona and various points in southern California	June 5, 1926
16801	11666	Whittier Select Citrus Association	Supplemental order amending Decision No. 16294—auto truck service	June 5, 1926
16871	11630	California Highway Commission	Second supplemental order extending effective date of Decision No. 16728 until June 26, 1926, state highway crossing	June 9, 1926
16873	12401	The Western Pacific Railroad Company and Market Street Railway Company	Rescinding Condition No. 3 of second portion of Decision No. 16320—six spur track crossings in city of San Francisco	June 10, 1926
16897	7498	Central Counties Gas Company	Fourth supplemental order authorizing sale of $30,000 of first mortgage bonds	June 11, 1926
16899	12428	Key System Transit Company	Supplemental order authorizing use of proceeds from sale of bonds	June 11, 1926
16900	12580	San Rafael Freight and Transfer Company	Supplemental order authorizing use of proceeds from sale of stock	June 11, 1926
16907	12689	Lewis A. and Prudence Turner	Denying applications to abandon service on portion of irrigation pipe line in vicinity of Cudahy and Wilcox Avenues, Los Angeles County	June 14, 1926
16913	12784	West San Joaquin Valley Water Company	Authorized to transfer water system in town of South Dos Palos, Merced County, to Dante Nicoletti and G. Manfredi	June 14, 1926
16918	12067 12068	Pickwick Stages System Pickwick Stages System	Second supplemental order modifying Decision Nos. 15807 and 16624—re type of additional equipment to be purchased	June 14, 1926
16945	C2184	Hutchinson Company, Inc., vs. Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway	Denying petition for rehearing	June 15, 1926
16946	12945	Southern Pacific Company	Authorized to abandon and remove two certain spur tracks at Iceland Station, Nevada County	June 17, 1926
16947	12942	Pacific Electric Railway Company	Authorized to discontinue maintenance of freight shed at non-agency station of Hansen, Orange County	June 17, 1926
16956	12676	Palm Valley Water Company and Prescott T. Stevens	Former authorized to transfer to latter certain irrigating ditch near Palm Springs, Riverside County	June 19, 1926
16964	12835	East Bay Water Company	Authorized to sell to East Bay Municipal Utility District certain tunnel easement in counties of Alameda and Contra Costa	June 19, 1926
16967	9471	The Atchison, Topeka and Santa Fe Railway Company	Revoking prior order and dismissing application—grade crossing near Merced	June 19, 1926
16968	5828	Charles L. Whitlock	Supplemental order revoking certificate to operate auto passenger, freight and express service between Orland, Newville and Millsaps	June 19, 1926
16969	8119	Mrs. Hugh Bradley	Supplemental order revoking certificate to operate auto stage line between Oceanside and Pala (Decision No. 10810)	June 19, 1926
16970	8217	James M. Pieratt	Supplemental order revoking certificate to operate auto passenger and freight line between Lockwood and San Lucas (Decision No. 10942)	June 19, 1926
16971	8358	E. L. McConnel	Supplemental order eliminating certain proviso from authorization to operate auto passenger, express and freight service between San Luis Obispo and San Simeon and intermediate points	June 19, 1926
16972	9610	Soren Sorensen	Supplemental order revoking certificate to operate auto passenger and express service between Gaviota, Solvang, Santa Ynez, Ballard and Los Olivos	June 21, 1926
16973	10010	Lee D. Berdell	Supplemental order revoking certificate to operate auto freight service between Oakhurst and Raymond (Decision No. 13527)	June 19, 1926
16974	11268	Jose Bozoff and Acop Tarvoff	Supplemental order revoking certificate to operate auto freight milk service between Gardena, Torrance, Dominguez and Los Angeles	June 19, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
16984	12949	Southern Pacific Company and Pacific Electric Railway Company	Authorized to execute agreement for joint use of trackage near Covina and Baldwin Park, Los Angeles County	June 23, 1926
16999	12961	Southern Pacific Company	Authorized to discontinue non-agency station of Eastlawn, Sacramento County	June 25, 1926
17006	12838	Western States Gas and Electric Company and Pacific Gas and Electric Company	Former authorized to sell to latter certain 60,000-volt electric transmission line from vicinity of Valley Springs to Altaville	June 25, 1926
17008	9191	George W. Mathison	Authorized to discontinue operation of auto freight service between Alderpoint and Harris (Decision No. 12347) certificate revoked	June 25, 1926
17009	10182	Pacific Gas and Electric Company	Supplemental order modifying Decision Nos. 13750 and 14790—stock	June 25, 1926
	10855	Pacific Gas and Electric Company		
17010	10445	Pickwick Stages System	Authorized to acquire from C. M. Blebon and J. R. Cleaveland auto stage service between Fresno and Santa Cruz, heretofore operated under lease	June 25, 1926
17011	10558	Joshua S. Madden	Supplemental order revoking certificate to operate auto freight line and passenger line between Fort Seward and Blocksburg (Decision No. 14207)	June 25, 1926
17012	11977	C. P. Stanbrough	Order denying rehearing—certificate to operate motor boat service on inland waters of California	June 25, 1926
17016	12851	Southern Pacific Company	Authorized to abandon non-agency station of Enwood in Placer County	June 26, 1926
17017	12893	Southern Pacific Company	Authorized to abandon non-agency station of Old Felton in Santa Cruz County	June 26, 1926
17020	12976	Southern Pacific Company	Authorized to abandon non-agency station of Twenty-eighth and R Streets, city of Sacramento, Sacramento County	June 28, 1926
17021	12978	Southern Pacific Company	Authorized to abandon non-agency station of Winery, Sacramento County	June 28, 1926
17024	7801	Vern Heliot	Supplemental order revoking certificate to operate auto freight service between Fresno and Auberry	June 28, 1926
17028	12934	Southern Pacific Company and Key System Transit Company	Approving agreement for joint use of certain tracks in Webster street, city of Oakland	June 29, 1926
17029	11630	California Highway Commission	Third supplemental order extending effective date of Decision No. 16728—grade separation at South San Francisco	June 29, 1926
17038	12889	Coast Counties Gas and Electric Company	Granting certificate to construct and operate gas system in town of Pinole, Contra Costa County	July 2, 1926
17050	8528	E. I. Ryker	Supplemental order revoking certificate to operate auto stage line—Alpaugh and Angiola	July 2, 1926
17051	8810	Daggett and Moore	Supplemental order revoking certificate to operate auto passenger and freight service between Hornbrook and Copco	July 2, 1926
17052	12640	Ernest R. Stelter	Supplemental order modifying previous description of territory for boat operations	July 2, 1926
17055	11586	Nevada County Narrow Gauge Railroad Company	Supplemental order revoking Decision No. 16487 granting authority to abandon service between Colfax and Nevada City	July 2, 1926
17060	12808	The Pacific Telephone and Telegraph Company	Supplemental order amending Decision No. 16959	July 2, 1926
17062	12887	San Diego and Arizona Railway Company	Supplemental order modifying Decision No. 16901—grade crossing at Sampson Street and Colton Avenue, San Diego	July 2, 1926
17070	4178	Nativo Celayo	Supplemental order revoking certificate to operate auto passenger and baggage service between Angels Camp and Murphys	July 3, 1926

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17071	8160	J. H. Cottrell	Supplemental order amending Decision No. 11725—auto passenger and express service between San Diego and Tecate	July 3, 1926
17072	11479	Southern Pacific Company	Supplemental order allowing commodity instead of class rates to be published for returning empty second-hand cement sacks	July 3, 1926
17074	12777	Colusa County Telephone Company	Second supplemental order establishing rates and charges for public pay station calls	July 3, 1926
17075	C2174	Essie A. Callahan vs. Haines Canyon Water Company	Order denying rehearing (Tujunga District, Los Angeles County)	July 3, 1926
17083	12940	Southern Pacific Company	Authorized to abandon non-agency station of Searoad in Santa Barbara County	July 3, 1926
17085	12973	Southern Pacific Company	Authorized to abandon non-agency station of Armigus, Kern County	July 3, 1926
17086	12977	Southern Pacific Company	Authorized to abandon non-agency station of Tubig, Kern County	July 3, 1926
17107	12848	Ted W. Haas, W. J. Hommel and M. C. Smith	Authorized to discontinue water service to consumers near Lookout Mountain, city of Los Angeles	July 13, 1926
17112	12068	Pickwick Stages System	Third supplemental order amending Decision Nos. 15807 and 16624—stock	July 13, 1926
17113	5097	San Francisco-Richmond Ferry Company	Supplemental opinion and order relative to funds invested by stockholders (Decision Nos. 15197 and 16251)	July 19, 1926
17114	8123	Leo F. Morrell	Supplemental order revoking certificate to operate auto passenger and freight service between Corning and Paskenta (Decision No. 11533)	July 14, 1926
17119	12986	Southern Pacific Company	Authorized to abandon and remove passenger shelter shed at non-agency station of Louisiana Street, Vallejo	July 17, 1926
17121	12858	The Western Pacific Railroad Company and Southern Pacific Company	Approving agreement for joint use of certain tracks in city of Stockton	July 17, 1926
17124	9695	Pacific Electric Railway Company	First supplemental order changing motor bus route between Pasadena and Shorb	July 17, 1926
17125	12679	Southern Pacific Company	First supplemental order modifying Decision No. 16875—spur track across Santa Fe Avenue, city of Vernon	July 17, 1926
17126	12841	R. S. Cassady	Supplemental order substituting Gold Lake Beach Resort for Gold Lake Camp Resort as a point to be served (Decision No. 16763)	July 17, 1926
17133	12558	Southern Pacific Company	First supplemental order rescinding Condition 3 of Decision No. 16121—grade crossing, city of Delano	July 17, 1926
17137	12990	Tony Abraham	Authorized to transfer water system in town of Rio Dell, Humboldt County, to Gust Rickter	July 19, 1926
17140	12975	Southern Pacific Company	Authorized to abandon non-agency station of Kinsale, Kern County	July 27, 1926
17141	12995	Southern Pacific Company	Authorized to abandon non-agency station of Summit Hotel, Placer County	July 27, 1926
17142	12996	Southern Pacific Company	Authorized to abandon non-agency station of Pentol, Kern County	July 27, 1926
17143	12998	Southern Pacific Company	Authorized to abandon non-agency station at Maltha, Kern County	July 27, 1926
17144	13000	Southern Pacific Company	Authorized to abandon non-agency station of Omena, Kern County	July 27, 1926
17145	13001	Southern Pacific Company	Authorized to abandon non-agency station of La Solas, Kern County	July 27, 1926
17146	13002	Southern Pacific Company	Authorized to abandon non-agency station at Cesaro, Kern County	July 27, 1926
17147	13003	Southern Pacific Company	Authorized to abandon non-agency station of Ebigmo, Kern County	July 27, 1926
17148	13004	Southern Pacific Company	Authorized to abandon non-agency station of Ainrof, Kern County	July 27, 1926
17150	13019	Southern Pacific Company	Authorized to abandon non-agency station of Willcut, Placer County	July 27, 1926
17151	13020	Southern Pacific Company	Authorized to abandon non-agency station of River, Placer County	July 27, 1926
17152	13021	Southern Pacific Company	Authorized to abandon non-agency station of Bear Rock, Placer County	July 27, 1926
17153	13022	Southern Pacific Company	Authorized to abandon non-agency station of McGlashan, Placer County	July 27, 1926
17154	13023	Southern Pacific Company	Authorized to abandon non-agency station of Water Tank, Placer County	July 27, 1926
17156	5097	San Francisco-Richmond Ferry Company	Supplemental order authorizing withdrawal of $12.00 from Wells Fargo Bank and Union Trust Company for the purpose of paying State Corporation Tax for 1926	July 27, 1926
17157	6987	Darwin and Olancha Stage (Jesus Romero)	Authorized to discontinue auto passenger, freight, express and baggage service between Darwin and Olancha (Decision No. 9215)	July 27, 1926
17158	10361	Pacific Gas and Electric Company	Second supplemental order granting extension of time in which to issue and sell common stock	July 27, 1926
17159	11368	T. F. Mathews	Supplemental order authorizing discontinuance of auto truck service between Sacramento and Folsom	July 27, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
17160	12683	Verdugo Hills Transportation Company	Supplemental order revoking operating right for auto stage service between San Fernando and Sunland	July 27, 1926
17164	12997	Southern Pacific Company	Authorized to abandon non-agency station of Adios, Kern county	July 29, 1926
17165	12999	Southern Pacific Company	Authorized to abandon non-agency station of Volcan, Kern County	July 29, 1926
17167	11515	Consolidated Utilities Company	First supplemental order authorizing use of proceeds from sale of stock (Decision No. 15329)	July 29, 1926
17168	12428	Key System Transit Company	Second supplemental order authorizing issue and sale of $281,390.18 of bonds, at not less than 94 per cent, plus accrued interest, to finance expenditures not covered in original authorization (Decision No. 15922)	July 29, 1926
17169	11419	Southern Pacific Company	Order revoking prior order and dismissing application (grade crossing—Mill Street, city of San Bernardino)	July 29, 1926
17170	12221	Joseph K. Hawkins	Order denying order to set aside order of dismissal—certificate, auto truck service	July 29, 1926
17183	11630	California Highway Commission	Fourth supplemental order granting extension of time until August 21, 1926, in which to construct State highway under tracks of Southern Pacific Company at South San Francisco	Aug. 2, 1926
17184	12297	Dean Hollinshead	Supplemental order granting authority to discontinue operation of auto passenger and express line between Weed and Grass Lake	Aug. 2, 1926
17185	12796	The Golden Gate Ferry Company	Second supplemental order granting authority to execute revised mortgage or trust indenture as security for bond issue heretofore authorized	Aug. 2, 1926
17197	13032	The Western Union Telegraph Company	Granting authority to discontinue telegraph office in town of Heber, Imperial County	Aug. 10, 1926
17198	12793	Los Angeles Water Service Company	First supplemental order authorizing use of proceeds from sale of five shares of capital stock to pay organization expenses	Aug. 10, 1926
17200	12737	E. V. Hales and E. R. Seaman (Oaks Light and Power Company)	Granting certificate to operate electric system in Clear Lake Oaks, Lake County	Aug. 11, 1926
17201	12884	Verne L. Olson (Lucerne Water, Light and Power Company)	Granting certificate to operate in town of Lucerne, Lake County	Aug. 11, 1926
17204	13067	Henry H. Meyer, M. A. and John Costa (Downieville Water Company)	Authorized to transfer utility to Downieville Fire Department	Aug. 11, 1926
17206	8730	G. R. Akins	Authorized to discontinue operation of auto freight, express and passenger service between Spenceville and Wheatland, Yuba County	Aug. 11, 1926
17207	11301	Edmond H. DeMar	Supplemental order amending Decision No. 16035—auto freight service	Aug. 11, 1926
17210	C2248	Cowell Portland Cement Company vs. The Atchison, Topeka and Santa Fe Railway Company et al.	Supplemental order amending order of July 31, 1926 to provide that defendants refund, with interest, to complainant all charges collected in excess of 19½ cents per 100 pounds	Aug. 11, 1926
17211	12496	C. A. Schindler	Order denying rehearing—certificate to operate auto passenger, freight and express service between Imperial Beach, San Diego County, and Tia Juana, San Diego County	Aug. 11, 1926
17212	5097	San Francisco-Richmond Ferry Company	Supplemental order modifying Decision No. 17113	Aug. 11, 1926
17213	12796	The Golden Gate Ferry Company	Third supplemental order authorizing certain minor changes in mortgage or deed of trust securing issue of bonds heretofore authorized	Aug. 13, 1926
17216	10726	Donovan Transportation Company and Rice Transportation Company, Inc.	Authorizing former to lease to latter certain operating rights for auto freight service	Aug. 13, 1926

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17230	12903	H. L. Nay and Knights Valley Telephone Association	Former to sell to latter telephone line in Napa County, granted	Aug. 17, 1926
17233	12923	Butte Valley Telephone Company	Authorized to sell and transfer telephone line from Farmer Hill to Sam's Beck and from Farmer Hill north to S. L. Varnum's ranch to patrons on said line	Aug. 17, 1926
17235	13025	Pacific Gas and Electric Company and Foster and Kleiser Company	Dismissing application for approval of contract	Aug. 17, 1926
17239	10791 C2110	Fall River Valley Telephone Company Bass Telephone Lines	Third supplemental order modifying Decision No. 15073—re rates	Aug. 17, 1926
17246	S369	Pacific Electric Railway Company	Order revoking prior order and dismissing application—Decision Nos. 11644 and 12395, grade crossings, city of Glendora	Aug. 18, 1926
17249	12587	Southern California Utilities, Inc.	Third supplemental order authorizing use of proceeds from sale of bonds	Aug. 20, 1926
17254	13084	Pacific Electric Railway Company	Granting authority to abandon and remove freight shed at non-agency station of Clearwater on Santa Ana line	Aug. 23, 1926
17275	3708	City of Palo Alto	Eighth supplemental order granting extension of time until June 30, 1927, in which to construct grade crossing at intersection of Palo Alto Avenue and Alma Street	Aug. 26, 1926
17276	11630	California Highway Commission	Fifth supplemental order extending time until September 21, 1926, to construct highway crossing (Decision No. 16728)	Aug. 26, 1926
17277	C1698	The Pacific Telephone and Telegraph Company	Extension of time granted until April 1, 1927, to comply with statutes governing overhead electric line construction (Chapters 499-600)	Aug. 26, 1926
17278	C1981 C1984	Universal Company vs. Pacific Gas and Electric Company Universal Company vs Sierra and San Francisco Power Company	Dismissing complaint of Universal Company against Sierra and San Francisco Power Company, involving wholesale power rates, but ordering complaint of Universal Company against P. G. and E. Company to be set for hearing on its merits after forty days from date of Commission's action	Aug. 27, 1926
17279	C2217	A. O. Barnes and Martha L. Barnes vs. East Gardena Water Company	Dismissing complaint, it having been shown at hearing that facilities of defendant utility were taxed to limit to supply present consumers	Aug. 27, 1926
17289	12969	County of Siskiyou and Southern Pacific Company	Authorizing construction of undergrade crossing in vicinity of Grass Lake	Aug. 27, 1926
17295	12910	County of Contra Costa and The Atchison, Topeka and Santa Fe Railway Company	Authorizing construction of undergrade crossing at point where Harbor Street crosses track and right of way of railway company east of Pittsburg	Aug. 30, 1926
17296	13091	Southern Pacific Company	Authorized to abandon non-agency station of Certina, Kern County	Aug. 30, 1926
17297	11016	Buckheim Water Company	Second supplemental order granting certificate to operate public utility water company (Decision No. 15186) in Blocks 41 to 54, inclusive, of Townsite of San Juan-by-the-Sea, Orange County	Aug. 30, 1926
17298	13092	Southern Pacific Company	Authorized to abandon non-agency station of Haynan, Kern County	Aug. 30, 1926
17309	13121	City of Los Angeles and Los Angeles and Salt Lake Railroad Company	Granting permission to separate grades at Downey Road by constructing elevated structure to carry tracks over highway	Sept. 3, 1926
17310	13126	A. J. Arnaudon and Mendota Mutual Water Company	Authorizing former to transfer to latter public utility water system in town of Mendota, Fresno County	Sept. 3, 1926
17315	13128	Pacific Electric Railway Company	Granting authority to abandon and remove team track between Main Street and Almond Street in city of Compton, Los Angeles County	Sept. 8, 1926
17316	13150	Pacific Electric Railway Company	Granting authority to abandon freight stations at Surf Street, city of Santa Monica, and at Mildred Avenue in Venice, and establish in lieu thereof a consolidated freight station at Sunset Avenue, Venice	Sept. 8, 1926
17318	13141	Pacific Warehouse Company	Authorized to enter into contract with United States Veterans Bureau for storage of property at rates less than those established for that utility	Sept. 8, 1926
17321	13132	The Western Pacific Railroad Company and Sacramento Northern Railway	Former to lease to latter interest in certain tracks in or near the city of Sacramento	Sept. 8, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
17322	8114	Wilkinson Brothers	Supplemental order revoking and annulling certificate to operate auto freight and passenger service between Alderpoint and Hoaglin	Sept. 8, 1926
17323	9100	S. A. Porter	Supplemental order revoking and annulling certificate to operate auto passenger, freight, baggage and express service between Maxwell and Stonyford—Decision No. 12192	Sept. 8, 1926
17324	11466	Central California Traction Company	Supplemental order amending Condition (2) of Decision No. 15308—grade crossing county of Sacramento	Sept. 8, 1926
17325	11701	The California-Oregon Power Company	Supplemental order modifying Decision No. 15480—stock issue	Sept. 8, 1926
17326	12922	Modesto Refrigerating Company	Supplemental order authorizing execution of mortgage and/or deed of trust to secure issue of $100,000 of bonds	Sept. 8, 1926
17327	C2212	F. J. Coulter, Agent for California Transit Company et al. vs. Yosemite Transit et al.	Supplemental order modifying previous order—re rates and fares	Sept. 8, 1926
17331	13068	Southern Pacific Company	Authorized to move and relocate passenger shelter station at Mococo in Contra Costa County	Sept. 10, 1926
73335	11350	Los Angeles County Flood Control District	Supplemental order amending Decision No. 15173, Condition (3), grade crossing at Morton Station	Sept. 10, 1926
17336	13040	North Sacramento Light and Water Company	Supplemental order authorizing execution of amended mortgage and/or deed of trust guaranteeing payment of $60,000 of bonds	Sept. 10, 1926
17340	13149	Pacific Electric Railway Company	Granting authority to execute an oil lease with Standard Oil Company for drilling purposes to certain lands in city of Huntington Beach	Sept. 14, 1926
17343	12793	Los Angeles Water Service Company	Second supplemental order amending Decision No. 17104—bonds	Sept. 17, 1926
17354	11807	Southern Pacific Company	Second supplemental order amending Decision No. 15612—grade crossing	Sept. 20, 1926
17359	10935	Carl Phelps	Authorized to discontinue operation of auto passenger and baggage service between Weed and Yreka (Decision No. 15942)	Sept. 21, 1926
17360	12793	Los Angeles Water Service Company	Third supplemental order authorizing use of proceeds from sale of $500 of common capital stock for construction instead of working capital	Sept. 21, 1926
17373	12079	W. M. Briggs and R. I. Mundell	Order setting aside decision and dismissing application to operate auto truck service between Santa Monica and Saticoy and/or Camarillo via new Coast road	Sept. 21, 1926
17377	9780	Motor Transit Company and R. B. Cregar	Supplemental order approving the exercising of an option for the former to purchase from the latter of an auto service now operated under lease	Sept. 21, 1926
17378	8768	K. F. Beyerle	Supplemental order approving transfer of auto truck line between Los Angeles and Temecula and intermediate points to Pickwick Stages System, a corporation, previously authorized to be transferred to Pickwick Stages, Inc., predecessor in interest to Pickwick Stages System	Sept. 21, 1926
17384	12543	City of Oakland	Order setting aside prior order and reopening proceeding for further hearing—subway at crossing of Goss Street	Sept. 24, 1926
17403	13162	The Atchison, Topeka and Santa Fe Railway Company and Key System Transit Company	Approving agreement for construction of grade crossing at intersection of Ohio Avenue and Commercial Street in city of Richmond, Contra Costa County	Sept. 27, 1926
17406	13194	The Western Pacific Railroad Company and city of Sacramento	Authorizing former to sell to latter certain piece of railroad track in Front Street for sum of $144.80	Sept. 27, 1926
17407	11630	California Highway Commission	Sixth supplemental order granting further extension of time until October 21, 1926, in which to construct grade crossing at South San Francisco, San Mateo County	Sept. 27, 1926

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17411	12812	Pickwick Stages System and Motor Transit Company	First supplemental order re payment for certain equipment	Oct. 1, 1926
17412	12812	California Transit Company and Motor Transit Company	Second supplemental order re purchase of certain equipment	Oct. 1, 1926
17421	13069	Southern Pacific Company	Authorized to discontinue non-agency station at Tahoe City, Placer County	Oct. 5, 1926
17422	13110	Southern Pacific Company	Authorized to abandon non-agency station of Eblis, Santa Cruz County	Oct. 5, 1926
17423	13148	Minarets and Western Railway Company	Authorized to discontinue agent at station of Wishon, Fresno County	Oct. 5, 1926
17424	7672	Sutter-Butte Canal Company	Fourth supplemental order modifying Decision No. 12788—note	Oct. 5, 1926
17427	11177	The Atchison, Topeka and Santa Fe Railway Company	Order revoking prior order and dismissing application—grade crossing at Slauson Avenue, county of Los Angeles	Oct. 5, 1926
17431	13083	Pacific Electric Railway Company	Authorized to abandon and remove freight shed at non-agency station of Ramona Park, Los Angeles County	Oct. 5, 1926
17437	13027	County of Tulare	Granting authority to widen County Road No. 446 at grade across two spur tracks of Southern Pacific Company	Oct. 5, 1926
17443	13130	Los Angeles Railway Corporation	Granting certificate to operate street car line in Leonis Boulevard, city of Vernon	Oct. 11, 1926
17445	13153	California Highway Commission	Granting permission to construct public highway at separated grades under tracks of The Atchison, Topeka and Santa Fe Railway Company near Las Flores in San Diego County	Oct. 11, 1926
17449	C2239	George J. Nixon vs. Ray Transfer Company	Dismissing complaint of illegal operation of auto freight service between San Diego and Imperial Beach to detriment of complainant's service	Oct. 13, 1926
17461	12029	San Joaquin Light and Power Corporation	Second supplemental order authorizing the issue and sale of stock	Oct. 13, 1926
17464	7424	Ben Baird	Denying rehearing of application for certificate to operate auto freight service between Stockton and Gustine via Crows Landing and Newman	Oct. 13, 1926
17470	12621	Southern Pacific Company	Authorized to discontinue agent at station of Cisco in Placer County during period from November 15 to May 15, inclusive, each year	Oct. 13, 1926
17476	S182	Lloyd S. Tripp	Supplemental order authorizing discontinuance of operation of auto passenger, freight, express and baggage service between Eagleville and Cedarville	Oct. 13, 1926
17477	13130	San Francisco-Sacramento Railroad Company	First supplemental order modifying Decision No. 17349, grade crossing at Concord Avenue and Front Street, town of Concord	Oct. 13, 1926
17478	7523	F. P. Boell	Denying rehearing of application for certificate to operate auto freight and express service between Santa Cruz and Oakland	Oct. 13, 1926
17480	11360	Mott Peters	Order revoking and annulling certificate to operate auto truck service between city of Sacramento and Morse Ranch	Oct. 13, 1926
17489	12576	Fay Water Company	First supplemental order amending Decision No. 17339—rates	Oct. 16, 1926
17490	13034	Fort Bragg Electric Company and Peoples California Hydro-Electric Corporation	First supplemental order approving stipulation—stock and bonds	Oct. 16, 1926
17502	12991	Peoples California Hydro-Electric Corporation	Authorized to execute a revised mortgage and/or deed of trust re acquisition of properties of Alturas Electric Power Company and Mendocino Electric Light and Power Company	Oct. 19, 1926
17503	13149	Pacific Electric Railway Company	Supplemental order amending Decision No. 17340—oil lease	Oct. 19, 1926
17507	13216	Pacific Gas and Electric Company	Authorized to abandon gas manufacturing plant in city of Oroville	Oct. 21, 1926
17526	A4238	Los Angeles Railway Corporation	Order setting aside decision and dismissing application—Decision No. 9029	Oct. 25, 1926
17533	13253	Southern Pacific Company	Granting authority to relocate drill track on Second Street and at grade across Harrison Street and Gilman Street, city of Berkeley	Oct. 26, 1926
17553	C2061	Railroad Commission, investigation of	Supplemental opinion and order directing city of Los Angeles to file with Commission not later than June 30, 1927, statement giving location and grade of Washington Street in vicinity of Santa Fe Avenue, as determined by city, together with such further or amended plans of separation of grades at Butte Street and Santa Fe Avenue as may be necessary when location and grade of Washington Street at Santa Fe Avenue are determined	Oct. 29, 1926

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TABLE E—MISCELLANEOUS AND SUPPLEMENTAL ORDERS—Continued.

Dec. No.	App. No.	Applicant	Nature of proceeding	Date
17557	9279	John Leonard	Supplemental order revoking and annulling certificate granted in Decision No. 12441 to uperate auto passenger and freight service between Mariposa and Jerseydale	Oct. 29, 1926
17558	11025	Southern California Edison Company	Second supplemental order relieving company of public utility obligations to furnish water through its Mound Water System in Ventura County	Oct. 29, 1926
17567	13236	Pacific Coast Motor Coach Company	First supplemental order modifying Decision No. 17508—notes	Oct. 30, 1926
17575	12652	County of Stanislaus	First supplemental order amending description of grade crossing near Turlock—Decision No. 17022	Nov. 5, 1926
17580	13034	Peoples California Hydro-Electric Corporation and Fort Bragg Electric Company	Second supplemental order amending Decision No. 17448—transfer of properties	Nov. 8, 1926
17582	C2254	Bay Cities Transportation Company vs. Alameda Transportation Company	Order denying petition for rehearing	Nov. 8, 1926
	12437	Alameda Transportation Company		
17583	13302	Mae White, administratrix of estate of W. E. White	Granting authority to transfer W. E. White Water Company in city of Chico, Butte County, to C. B. Jackson	Nov. 9, 1926
17587	12642	Southern Pacific Company	Supplemental opinion and order granting relocation of spur track crossing in town of Martinez, Contra Costa County	Nov. 10, 1926
17591	12974	Southern Pacific Company	Granting authority to abandon non-agency station at Geiger, Lassen County	Nov. 10, 1926
17592	13008	Southern Pacific Company	Granting authority to abandon non-agency station of Boaz, Kern County	Nov. 10, 1926
17597	13247	Postal Telegraph-Cable Company	Authorized to discontinue telegraph office in Amboy on and after December 1, 1926	Nov. 10, 1926
17599	9488	W. D. Thompson	To operate auto truck service between Los Angeles, Wilmington, San Pedro, Van Nuys, etc.—rehearing denied	Nov. 10, 1926
	9630	Imperial Valley Los Angeles Express	To operate motor express service between Imperial Valley points and Los Angeles—order denying rehearing	Nov. 10, 1926
17602	13214	Southern Pacific Company	First supplemental order amending Decision No. 17446—grade crossing at Second Street, city and county of San Francisco	Nov. 10, 1926
17603	C1837	William Duelke vs. Pacific Electric Railway Company	First supplemental order amending Decision No. 11828—Manchester Avenue crossing	Nov. 10, 1926
17608	12682	County of Tulare	Granting authority to relocate grade crossing over tracks of Southern Pacific Company near city of Kingsburg	Nov. 12, 1926
17613	13285	Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company	Approving agreement for drill track in city of Oakland	Nov. 12, 1926
17616	10623	Norman McDonald	Supplemental order revoking and annulling certificate to operate auto passenger line between Burbank and Lankershim	Nov. 12, 1926
17617	13050	Los Angeles Gas and Electric Corporation	First supplemental order authorizing execution of revised mortgage or deed of trust guaranteeing bonds	Nov. 12, 1926
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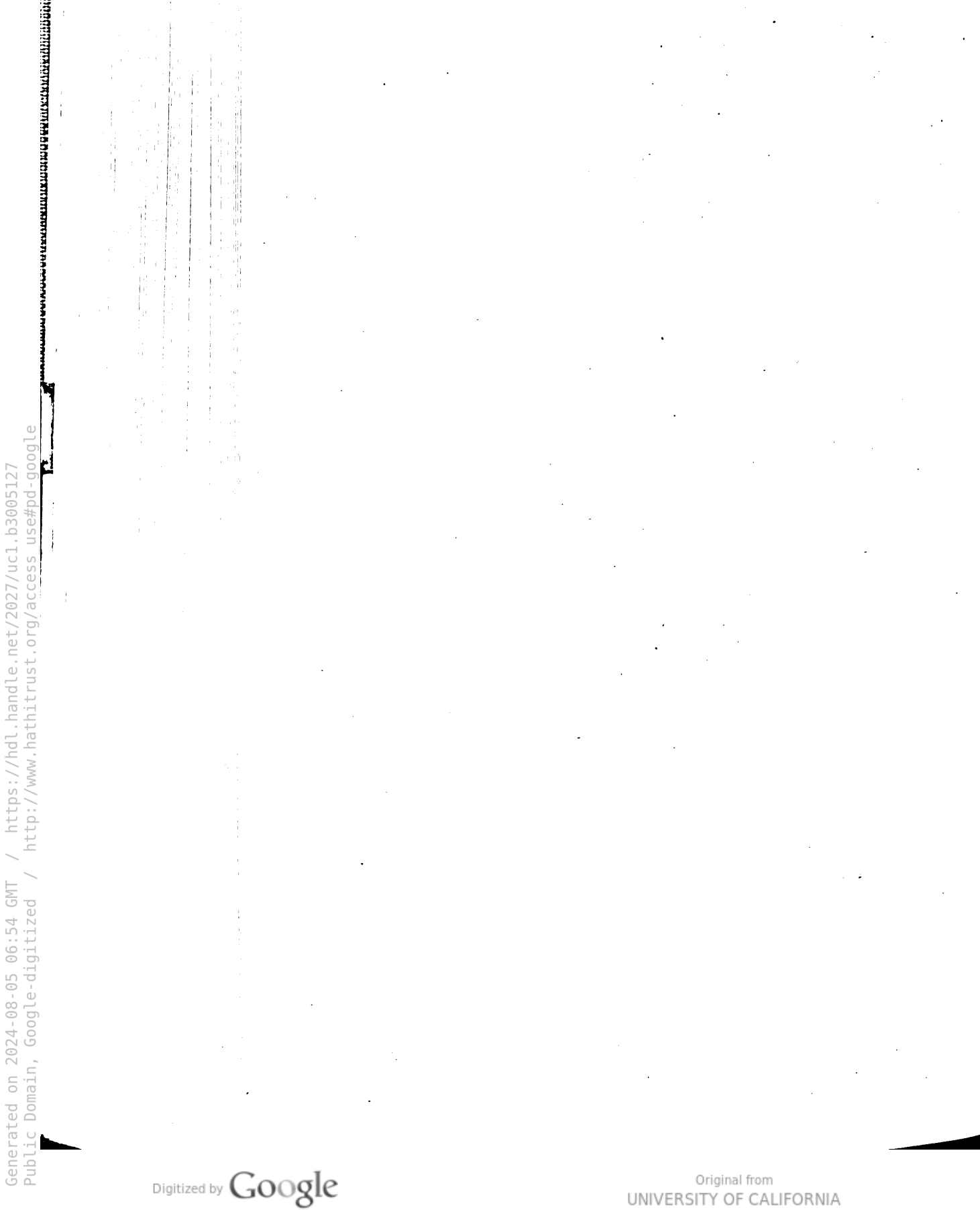

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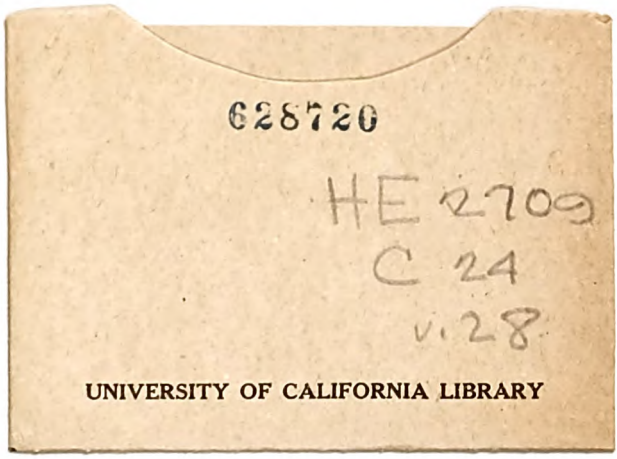
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